UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1991/63/Add.1
8 March 1991

ENGLISH ONLY

COMMISSION ON HUMAN RIGHTS
Forty-seventh session
28 January - 8 March 1991
Agenda item 16

IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE SECOND DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION

Report of the seminar on the political, historical, economic, social and cultural factors contributing to racism, racial discrimination and apartheid

Geneva, Switzerland
10 - 14 December 1990

Addendum

The present document contains the background papers and introductory statements prepared by the speakers under the items and the statement of the Under-Secretary-General for Human Rights.

GE. 81-11719

THE HEAVY BURDEN OF THE PAST:

HISTORICAL FACTORS CONTRIBUTING TO RACISM, RACIAL DISCRIMINATION, AND APARTHEID

Paul Gordon Lauren

The impact of racism and racial discrimination upon human history and the contemporary world has been nothing short of profound.[1] Indeed, after Will and Ariel Durant completed their monumental and multivolume study, The Story of Civilization, they singled out racial tensions as one of the most influential factors in all of global history.[2] Race has played a major role in the international search for peace, the creation of empires and then their destruction, the white "Westernization of the world," two world wars and numerous other armed conflicts, the Cold War rivalry between the United States and Soviet Union and its accompanying tensions between East and West, decolonization and national liberation movements throughout non-white Asia and Africa as well as Latin America, the distribution of wealth among the "haves" and "have-nots" and corresponding division between North and South, challenges to state sovereignty by the United Nations seeking to address domestic racial affairs, and the global intensification of concern for human rights with particular attention to racism, racial discrimination, and

---

[1]This paper draws heavily upon the more extensive study by Paul Gordon Lauren, Power and Prejudice: The Politics and Diplomacy of Racial Discrimination (Boulder and London: Westview Press, 1988).

[2]Will and Ariel Durant, The Lessons of History (New York: Simon and Schuster, 1968), pp. 25-31. Also see United Nations, Decade for Action to Combat Racism and Racial Discrimination, World Conference to Combat Racism and Racial Discrimination (New York: United Nations, 1978 and 1983); United Nations, Human Rights Commission, Hernan Santa Cruz (rapporteur), Racial Discrimination (New York: United Nations, 1976 ed.); Claude Levi-Strauss, Race et histoire (Paris: UNESCO, 1952); John Hope Franklin (ed.), Color and Race (Boston: Houghton Mifflin, 1968); and Patrice de Comarmond and Claude Ducet (eds.), Racisme et societe (Paris: Maspero, 1969).

apartheid. "Race", writes one author, "operates at every level and in almost every context."[3]

The impulse to inequality that leads to discrimination, of course, is ancient in its origins. From the earliest periods of human existence, groups developed prejudices toward others and then, in their attempts to increase economic wealth, political power, or cultural and social prestige, discriminated against those whom they regarded as different or somehow inferior and thus not entitled to equal treatment. Among the many differences that could be used as a basis for discrimination, people quickly discovered that physical appearance was the easiest to identify. It required no careful thought or assessment of individual worth, but only a superficial glance at those visual, phenotypical features such as skin color to identify "race." This helps to explain the nearly universal nature of racial consciousness, which as been independently discovered and rediscovered by various white and non-white peoples alike, and emerged in widely diverse places ranging from Asia to Africa and from Europe to the Americas, and in many times throughout recorded history. Early patterns of prejudice based upon color reveal the existence of race thinking long before the emergence of modern racism, and clearly demonstrate the beginnings of centuries-long traditions wherein skin color served to greater or lesser degrees as the badge of master and subject, of the free and enslaved, and of the dominators and the dominated.[4]

---

[3]Hugh Tinker, Race, Conflict, and the International Order (London: Macmillan, 1977), pp. 134-35. Also see Ronald Segal, The Race War (New York: Bantam, 1967); W.E.B. Du Bois, Color and Democracy (New York: Harcourt, Brace, 1945); John Rupert, Racism and Its Elimination (New York: UNITAR, 1981); and Albert Memmi, Le Racisme (Paris: Gallimard, 1982).

[4]See William Cohen, The French Encounter with Africans: White Responses to Blacks (Bloomington: Indiana University Press, 1980); Michael Banton, Race Relations (London: Tavistock, 1967); and Philip Mason, Patterns of Dominance (New York: Oxford University Press, 1970).

Conquests and Captives for Racial Slavery

Among the many cases of racial prejudice that led to discrimination, however, none has come even close to eclipsing that of the white, Western world in historical or international importance. For centuries Europeans had been influenced by Aristotle's philosophy of the presumed inherent superiority of some races over others, by the racial stereotypes against black-skinned captives transmitted from Arab slave traders, by the writings of geographers propounding ideas about assumed sub-human qualities of those of other colors, and by the religious symbolism of white purity and black evilness, all of which reinforced a mental correlation between color and domination. When these negative images and racial prejudices were applied by Europeans as they set out to explore a wider world in the fifteenth and sixteenth centuries, the results often proved to be catastrophic for those who were not white. The Portuguese, for example, moved along the coasts of Africa, the Persian Gulf, the Indian Ocean, and the south China Sea on the edge of Asia, growing powerful and wealthy, trading in goods and slaves, and demonstrating policies throughout described as "intensely racist."[5] Spanish explorers and conquistadors similarly descended upon the Americas, defeating, exploiting, and enslaving the indigenous peoples who stood in their way. By the seventeenth century, the English, Dutch, French, Danes, Swedes, and Prussians had all joined to fight for their share of the spoils in territories ranging all the way from the shores of the Cape of Good Hope in southern Africa to the eastern coast of North America and from the East Indies in the Pacific to the West Indies in the Caribbean.

One of the most fateful features of this expansion was that Europeans met Africans,

---

[5]J.H.Plumb, in Introduction, C.R.Boxer, The Portuguese Seaborne Empire, 1415-1825 (New York: Knopf, 1969), p. xxv.

Asians, and those native to the Americas in the distorted context of conquest. In none of these new territories did they meet whites like themselves with sufficient power to resist their encroachments. Instead, each voyage brought them into contact with larger and larger numbers of peoples scattered across the continents, in what has perceptively been described as "the first widespread meeting of the races,"[6] who could not only be met -- but conquered. It was not that white Europeans held the only attitudes about racial prejudice in the world, but that they alone possessed power for conquest to make others suffer accordingly. Thus, the increased contact wherein those of other races could be conquered established a mode of thinking about racial differences that reinforced existing stereotypes about the presumed superiority of the white race and therefore the patterns of what would become racism and racial discrimination around the globe. This fact was to have enormous consequences for the world, for it meant that international relations -- by definition and by their very nature -- slowly, but increasingly and inextricably would come to be interracial relations as well.

Some of the starkest and cruelest forms of this discrimination could be seen as the powerful descended upon Africa to take captives for the slave trade. Slavery, of course, was an ancient practice that ranged from the Western Hemisphere to Africa, the Middle East, and Asia. It was neither invented by white Europeans nor confined exclusively to black Africans. In fact, whites themselves had known enslavement in both Christian and Muslim lands, in European colonies, and in Africa and Asia.[7] But what emerged during the sixteenth, seventeenth, and eighteenth centuries dramatically transformed all slave patterns of the past.

---

[6]Lewis Hanke, Aristotle and the American Indians: A Study of Race Prejudice in the Modern World (Bloomington: Indiana University Press, 1970), p. 10.

[7]See David Brion Davis, The Problem of Slavery in the Western Culture (Ithica: Cornell University Press, 1966); and David Brion Davis, Slavery and Human Progress (New York: Oxford University Press, 1984).

In terms of total numbers, focus upon a particular race, and tragic brutality, it had no parallel in history. This new black slave trade, wrote one authority,

> was larger, crueller, more systematic than anything Europe had known before. In many ways it was the most inhuman aspect of European history -- for the middle passage remained for centuries one of the most brutal experiences inflicted by man upon men.

Black slavery took root in the Americas not from carefully concerted planning, vast historical design, or racial destiny, but rather from innumerable economic and local choices made in four continents over time. Ample evidence demonstrates that the white conquerors increasingly realized that their fortunes depended upon slaves to clear the land, dig in the mines, and to work in labor-intensive agriculture. Attempts to enslave the indigenous Caribes and Indians seldom succeeded, and indentured servants provided only temporary assistance. Plantation owners from English and French possessions in North America to Portuguese and Spanish holdings in South America thus pressed for the importation of massive numbers of slaves who could be worked without rest and bonded for life. The reason for slavery, according to Eric Williams,

> was economic, not racial; it had to do not with the color of the laborer, but the cheapness of the labor. As compared with Indian and white labor, Negro slavery was eminently superior...The features of the man, his hair, color and dentifrice, his 'sub-human' characteristics so widely pleaded were only the later rationalizations to justify a simple economic fact: that the colonies needed labor and resorted to Negro labor because it was cheapest and best. This was not a theory, it was a practical conclusion deduced from the personal experience of the planter. He would have gone to the moon, if necessary, for labor. Africa was nearer than the moon, nearer too than the more populous countries of India and China; but their turn was to come.[9]

---

[8] J.H.Plumb, in Boxer, The Portuguese Seaborne Empire, p. 20.

[9] Eric Williams, Capitalism and Slavery (London: Russell and Russell, 1961), pp. 19-20.

Traders consequently fell upon the so-called "slave coast" of Africa, taking victims by force or by barter and sending them as human cargo bound on ships across the Atlantic. What had once been a mere trickle of slaves soon turned into a veritable flood. Indeed, for the New World as a whole, from Brazil and the Caribbean to the Chesapeake Bay, the importation of black African slaves far surpassed the flow of white European immigrants during the first three and one-third centuries of settlement. The resulting shipment of humans against their will into slavery proved to be one of the most profitable and tragic enterprises in history and one that would plague international race relations for centuries.

This trade in slaves, brought staggering financial successes and a vast accumulation of capital to traders, investors, governments, and slave owners eager and willing to increase their own wealth at the expense of other human beings. Economic factors thus played a profound role in contributing to racism and racial discrimination, although the precise nature of the relationship between slavery, racism, and capitalism remains to this day a subject of great political and scholarly debate.[10] Slavery and racial attitudes certainly antedated capitalism; but there can be little doubt that capitalism, in turn, strengthened them both. Racial slavery provided an essential economic ingredient for the "rise of the West" which, in the words of one historian,

> rested on the backs of African slaves, and the products of colonial plantations were enjoyed by complacent Europeans who gave little thought to the millions of blacks whose labor made these products possible. The capture, transportation, and sale of 'black ivory' became of the most lucrative branches of transatlantic commerce. The Portuguese, Dutch, French, and English competed for the privilege of supplying plantation owners, from Brazil to Virginia, with blacks who had been carried away by force from their African homelands to toil in the

---

[10] In addition to Williams, see Eugene Genovese, In Red and Black: Marxist Explorations in Southern and Afro-American History (New York: Vintage, 1972 ed.) passim.; and Davis, Slavery and Human Progress, pp. 51-82.

white man's service.[11]

With the growth of the international slave trade and slavery in the seventeenth and eighteenth centuries, theories of racial superiority gained even wider acceptance. Profits and prejudice appeared together, as slaves were increasingly described by whites as "almost beasts in human form"[12] and seen, in the haunting words of White Over Black by Winthrop Jordon, in ways that created "that sense of difference which provided the mental margin absolutely requisite for placing the Europeans on the deck of the slave ship and the Negro in the hold."[13] Indeed, the concomitance of racial prejudice and the power to enslave other races suggests a strong mutual relationship between the two. Both, after all, were twin aspects of the debasement of blacks from people into property; and race relations obviously developed not only from ideas alone but also from a particular political, economic, and cultural and social order in which racial contact occurred. But rather than slavery strictly causing a prejudice of race, or vice versa, they seem instead to have been equally cause and effect, appearing constantly together and continually reinforcing each other over time.[14] The more that whites observed blacks in captivity, the more the whites believed they possessed empirical evidence of their own superiority. The more that slavery expanded, the more strident became the rhetoric about race and the policies of racial discrimination. As George Fredrickson writes in his comparative study entitled White Supremacy, the experience of enslaving non-whites, more

---

[11]Robert Herrstein, Western Civilization (Boston: Houghton Mifflin, 1975), p. 428.

[12]Duarte Pacheco Pereira, Esmeraldo de situ orbis (London: Hakluyt Society, 1937), p. 2.

[13]Winthrop Jordon, White Over Black (Chapel Hill: University of North Carolina Press, 1968), p. 97.

[14]See David, The Problem of Slavery, p. 453; Jordon, White Over Black, p. 80; Anthony Barker, The African Link: British Attitudes to the Negro in the Era of the Atlantic Slave Trade, 1550-1807 (London: Cass, 1978); and Edmund Morgan, American Slavery, American Freedom (New York: Norton, 1975).

than any other factor, established a presumption "that whites were naturally masters," and this slaveholding mentality "remained the wellspring of white supremacist thought and action long after the institution that originally sustained it had been relegated to the dustbin of history."[15]

The similarities among European slave traders and New World slave owners in regard to racism and racial discrimination were far more striking than any national differences. Portuguese settlers, for example, long familiar with the concept of the "purity of blood" when applied against Jews in Iberia, increasingly distanced themselves from what they considered to be the "contaminated races" and, in the words of one authority, created a caste system "based upon white supremacy and the institutionalized inferiority of colored slaves."[16] The Spanish Crown likewise promulgated specific laws to segregate the races; and the French slave laws, known as the code noir, stressed racial separation. English colonists acted similarly, keeping whites from blacks by a screen of racial contempt and law. Especially in the American colonies, a growing determination to extend racial slavery and segregation steadily imposed a burden that would curse a nation for generations. In addition, the Dutch in their enslavement not only of Africans but also of peoples from Indonesia, Mozambique, Madagascar, and the Bay of Bengal region, developed policies that conveyed their conviction of racial superiority. Moreover, in their separation of the races, Dutch settlers introduced the concept, if not the precise word, that many years later would charge the politics and diplomacy of discrimination with intense emotion: apartheid.

Slavery and the slave trade which gave rise to this racial segregation ended only after

---

[15]George Fredrickson. White Supremacy: A Comparative Study in American and South African History (New York: Oxford University Press, 1981), p. 93.

[16]Harley Ross Hammond. "Race, Social Mobility, and Politics in Brazil," Race 4 (1963): 4.

wars, revolutions, and upheavals transformed both power structures and ways of thinking. El Salvador, Guatemala, Honduras, Nicaragua, and Costa Rica, for example, abolished slavery in 1824 only after Spain had suffered armed invasion on land, humiliation at sea, uprisings from revolutionaries at home, and military defeats during wars for independence in Central America. Britain emancipated slaves in its colonies in 1833 only after a dramatic shift in domestic power and opinion at home. France ended slavery in its colonial possessions only after the bloody chaos of the Revolution of 1848. Civil and foreign wars surrounded the abolition of slavery in Columbia, Argentina, Venezuela, and Peru during the 1850s. The United States, despite its principles for liberty and equality uttered at the time of its own war of independence, freed its slaves in 1865 only after the Civil War had inflicted what remains to this day the most devastating conflict in the nation's history. Only Cuba and Brazil retained slavery longer than the United States, and even then they did not abolish the practice until additional wars and struggles forced them to do so in the late 1880s. In the end, this record of racial slavery spoke for itself: the black slave trade lasted for more than four centuries; involved the peoples of Europe, Africa, the United States, the Caribbean, and South America; seared itself into the historical consciousness of those who lived in these lands and their descendants; and counted among its immediate victims perhaps as many as twenty million human beings.[17]

Ideology for Racism and Racial Discrimination

The abolition of slavery ended the institution but not the ideology that led to racism and racial discrimination. In fact, emancipation only seemed to reveal the perceptiveness of de

---

[17]Frank Tannenbaum, Slave and Citizen: The Negro in the Americas (New York: Vintage Books, 1963 ed.), p. 21; and Basil Davidson, The African Slave Trade (Boston: Little, Brown, 1980), pp. 95-101 and 271.

Tocqueville's observation in Democracy in America that prejudices are far more difficult to conquer than the servitude which gave rise to them. "If I were called upon to predict the future," he wrote, "I should say that the abolition of slavery...will, in the common course of things, increase the repugnance of the white population for the blacks."[18] The accuracy of his statement could be seen in the fact that emancipation often exacerbated existing prejudices of race and this, in turn, provided a cultural and social context in which explicit ideologies of racial superiority could grow and flourish. Precisely during the second half of the nineteenth century -- after the abolition of slavery -- modern racism began to emerge in the West as a "well-defined ideology," in the words of one authority, distinct from ethnocentrism and attained the status of a "firmly established, respectable orthodoxy" supported by the natural and social sciences.[19]

The nineteenth century produced two great paradoxes concerning racism and racial discrimination. In the first, racism actually increased as democracy expanded. The extension of freedom and democratic practices in Europe by the French Revolution and in the United States by Jacksonian democracy was accompanied by more determined efforts to deny the equality of those of other races and to strengthen racial segregation. In the second paradox, racism grew as science advanced. Enormous strides in scientific discovery produced not only an expansion of knowledge, but ironically, the creation and enhancement of what is widely known as "scientific racism." In its simplest and most obvious form, racism became not merely a dogma of prejudice, but a belief that the superiority or inferiority of human beings

---

[18]Alexis de Tocqueville, Democracy in America. Phillips Bradley ed. (New York: Vintage Books, 1945), I: 372-73.

[19]Pierre van den Berghe, Race and Racism: A Comparative Study (New York: Wiley, 1967), pp. 16-17.

was actually determined by genetically transmitted, biological differences of race.

In this endeavor, the tools, techniques, theories, and especially the growing reputation of the sciences which sought to explain everything in terms of biology and race provided enormous assistance. The noted British anatomist Robert Knox, for example, published The Races of Man in an attempt to prove beyond doubt the superiority of whites over all others of color. Others added their voices to this argument, including Josiah Nott, the exponent of ethnology in the United States and widely-read author of Types of Mankind; Louis Agassiz, the famous Swiss-born biologist; and Gustav Le Bon, the influential French sociologist who strongly supported phrenology's study of cranial capacity and brain weights to prove the inferiority of all non-whites. In addition, and according to Leo Poliakov, perhaps the world's leading authority on anti-Semitism, it was at precisely this time that scientific opinion also attempted to demonstrate that those of the Jewish faith who had been long persecuted and discriminated against somehow belonged to an inferior, physiological "race". This marked the beginning, he argues, of "The Aryan Epoch" of racism which presumed the superiority of the blond-haired, blue-eyed, white, "Aryan" race over all others in the world.[20] Such theories about biological determinants and a hierarchical arrangement of the races were propounded with the certainty of science and exploited the human tendency to be unduly impressed with things easily measured, and thus helped to spread and lend credence to ideologies of racism.

Among those who participated in this evolution of theories about race, perhaps none is better known than Arthur de Gobineau, the French author of the two volume book entitled Essai sur l'inegalite des races humaines. His massive study argued that race "dominates all other

---

[20]Leoo Poliakov, The Aryan Myth: A History of Racist and Nationalist Ideas in Europe, translated by Edmund Howard (New York: New American Library, 1977), pp. 2 and 226.

problems of history and holds the key to them all." Gobineau believed that racial groups were biologically unequal and endowed with different capabilities. "History shows," he wrote, "that all civilization derives from the white race." He viewed the so-called "Aryans" as superior, possessing a "monopoly of beauty, intelligence, and strength." The "yellow race" he saw as feeble, passive, lacking energy, uninventive, and tending toward mediocrity in all things. The "black race," he argued, "is the lowest, and stands at the foot of the ladder." Gobineau feared that civilization would collapse due to the "contamination" of white Europeans by inbreeding with these "inferior races" of the rest of the world.[21] It is easy to see why Gobineau was read by subsequent racial theorists like Houston Stewart Chamberlain in Germany and Madison Grant in the United States, later adopted with such enthusiasm by the Nazis, and why even to this day is described as "the father of modern racist ideology."[22]

Immigration Exclusion and Imperialism

It required little imagination to take such ideas and use them to rationalize or justify racism and racial discrimination against non-whites in the emerging policies of immigration exclusion and imperialism. Prior to the era of explicit racial ideologies, for example, immigration had never emerged as a serious problem of international relations. After this, however, a growing public pressure to maintain what was called "racial purity" against "inferior beings of color" led to the creation of exclusion laws designed to erect a "color bar" and thereby restrict non-white immigration. The United States, Canada, Australia, New Zealand,

---

[21] Arthur de Gobineau, Essai sur l'inegalite des races humaines, 2 vols (Paris: Firmin-Didot, 1938, 5th ed.). I: 1-7; II: 502-23.

[22] E.J.Young, Gobineau und der Rassismus: Eine Kritik der anthropologischen Geschichtstheorie (Meisenheim am Glan: Hain, 1968); and John Baker, Race (New York: Oxford University Press, 1974), pp. 33-38.

Mexico, and a number of Central and South American states all railed against the so-called "Yellow Peril" and imposed laws to limit immigrants from Japan, China, and other Asiatic countries.[23] On still another continent, the Union of South Africa created similar laws of racial exclusion which, in turn, served as the basis for other discriminatory statutes designed to establish control by a white-minority regime.

The imposition of these unilateral immigration laws deliberately designed to exclude people solely on the basis of their race produced a condition described by one contemporary exclusionist as one in which "the rising tide of color finds itself walled in by white dikes debarring it from many a promised land which it would fain deluge with its dusky waves."[24] Such rhetoric and policies of exclusion provided not only a source of great international humiliation and resentment, but also in the words of scholar Hugh Tinker, "a clear demonstration of the division of the world along racial lines.

These policies of racial exclusion through immigration laws represented only one facet of the emerging global problem of racism and racial discrimination, however, for the same steamships that carried immigrants from one shore to another also could transport troops to foreign lands for conquest. From an international perspective, one of the most striking and significant features of the end of the nineteenth century and beginning of the twentieth was the tremendous outburst of imperialistic interest and activity. During these years, Europeans and

---

[23]Robert Huttenback, Racism and Empire: White Settlers and Colored Immigrants in the British Self-Governing Colonies (Ithica: Cornell University Press, 1976); Stuart Miller, The Unwelcomed Immigrant (Berkeley: University of California Press, 1974 ed.); Roger Daniels, The Politics of Prejudice: The Anti-Japanese Movement in California and the Struggle for Japanese Exclusion (Berkeley: University of California Press, 1977 ed.); and Magnus Morner, Race Mixture in the History of Latin America (Boston: Little, Brown, 1967).

[24]T.Lothrop Stoddard, The Rising Tide of Color Against White World Supremacy (New York: Scribner's, 1921), p. 9.

[25]Tinker, Race, Conflict, and the International Order, p. 21.

their American cousins made greater efforts to subjugate and control other lands and non-white peoples than they had during the entire three previous centuries. The desire to exploit sources of raw materials and control markets for manufactured goods, to demonstrate national strength and prestige in the strategic contest of power politics, to "civilize" the presumed heathen under what was called "the white man's burden," all combined with the new theories of racial superiority to contribute to this phenomenon. Economic, political, and cultural and social factors thus all played their part in this "new imperialism" wherein whites, with little regard to the expense, dangers, or violations of human rights involved, launched what is known as the era of "European world hegemony."[26]

Nowhere could this intense race for imperialism be seen better than in Africa. As late as the 1870s, most of the "Dark Continent," except for various coastal regions, remained unknown to Europeans and free from white penetration. Then, suddenly, with a rush that is still astonishing to recall, explorers, businessmen, soldiers, and missionaries arrived and proceeded to carve up nearly all of Africa into their own imperial possessions. The British pushed into Egypt, the Sudan, Nigeria, and Ghana; consolidated their possessions in Gambia; moved in from the Indian Ocean to Kenya and Uganda, and then into what is now Zambia, Botswana, and Zimbabwe; dreaming all the while of an uninterrupted empire that would extend from Cairo in the north all the way to Cape Town in the south. Not to be outdone, the French expanded their holdings in Senegal, Dahomey, and Guinea; moved into Mauritania, Niger, Chad, and Gabon; seized territory in Algeria, Tunisia, and Morocco; and conquered

---

[26]J.M.Roberts, History of the World (New York: Knopf, 1976), p. 703. Also see Gordon A. Craig, Europe Since 1815 (New York: Holt, Rinehart and Winston, 1971), pp. 407-12; and V.G. Kiernan, The Lords of Human Kind: Black Man, Yellow Man, and White Man in an Age of Empire (Boston: Little, Brown, 1969).

Madagascar. The Belgians occupied the Congo, one of Africa's richest mineral bearing regions and exploited the indigenous peoples with a ruthlessness that horrified even their fellow imperialists. Germany seized territory in what is now Tanzania, Namibia, Togo, and Cameroon. Portugal grabbed land in Angola, Guinea-Bissau, and Mozambique. And, finally, the Spanish secured land in the Western Sahara; while Italy captured Somalia and coastal areas of Ethiopia; and the white Boer settlers, descended from the Dutch, extended their domination over blacks in South Africa.

Not content with these staggering conquests against Africans, the powers of Europe rushed to conquer non-white peoples in Asia and the Pacific as well. Britain tightened its grip on the Indian subcontinent and then moved into Burma, Tibet, Afghanistan, Malaysia, and various islands of the Pacific including norther Borneo, the Figis, and Papua. Russia made advances into Manchuria and Mongolia, reached the borders of Iran and India, and established a naval base at Vladivostok. France joined this scramble and sent forces into Vietnam, Cambodia, Laos, and several island groups in the Pacific. The Germans seized what they called the Bismarck Archipelago and part of New Guinea, while the Dutch expanded their control over Indonesia. All tried to extract special concessions from China. White settlers in Australia and New Zealand moved against aboriginal peoples occupying the lands wanted by whites. Similarly, after conquering the territory of Native Americans on its own continent, the United States launched out to take Cuba and Puerto Rico in the Caribbean, Guam and Hawaii in the Pacific, and the Philippines on the edge of Asia. After the First World War Europeans added the Middle East to their conquests as well, thus allowing themselves to boast that "the sun never set" upon their imperial possessions. This colossal extension of power denying self-

determination to the non-white world once again reinforced existing attitudes of racism and practices of racial discrimination, for as Frantz Fanon observed in his perceptive and angry book, Les damnes de la terre, there was a deep and painful connection between the politically subjugated and the racially oppressed.[27]

It is critical here to pause and consider the staggering dimensions of this activity. More than half a billion people throughout the world who happened to be dark skinned directly suffered the consequences of racism and racial discrimination at the hands of the imperialists who happened to be white. No inhabited continent and no non-white race escaped. They received no invitation to participate in any international negotiations or assemble around diplomatic conference tables, but instead could only watch in seething anger as the Great Powers traded, sold, and divided peoples and properties like pawns in an international chess game of diplomacy. The elaborate construction of these mighty empires involved the taking of wealth, land, freedom, and in some cases the lives, of millions of individual human beings. Many victims and their descendants vowed never to forget.

* * * *

This historical past proved to be an extremely heavy burden for the world to bear. its extent, depth, and duration made it so. From antiquity to the twentieth century, the Western world demonstrated an evolution of definite patters in thoughts and actions toward those of other races. There were, it must not be forgotten, courageous individuals who opposed conquest and slavery, supported emancipation and efforts to eliminate segregation, objected to

---

[27]Frantz Fanon, Les damnes de la terre (Paris: Masper, 1961).

racially derived immigration laws and imperialism, and believed that the Christian faith taught the brotherhood of all men and women. During this long period, however, they most often represented a minority, lacked sufficient influence, or remained silent. The vast majority in the West supported, participated in, or benefited from colonization, slavery, racial segregation, the propagation of racist ideologies, discriminatory immigration restrictions, and imperialism. They enslaved the black, excluded the yellow, dispossessed the red and the brown, and subjugated them all.

The turning point in this long and tragic history occurred only when the Second World War and its aftermath drastically altered power relationships and profoundly transformed prevailing attitudes. By drawing attention to the unimagined extremes of racism in the "Final Solution" of the Nazis, the war provided a mirror that forced countless numbers of people in the West to look at themselves and thereby to see the contradictions between their declared principles of equality on the one hand and their actual practices of racial discrimination on the other. By exhausting the wealth, power, and confidence of the Europeans, the war loosened the ties of empire, thus launching decolonization and the emergence of new states in Africa and Asia fully determined to place prejudice of race high on the global agenda. And, by exposing the failures of reliance upon domestic sovereignty alone, the war made it possible to create the United Nations as a forum and focal point for setting standards of human rights and for taking action in combating racism, racial discrimination, and apartheid in order that the world's future might be better than the heavy burden of its historical past.

Tatjana Ansbach

Economic factors contributing to racism and racial discrimination

1. Had I written a paper on the same item one or two years ago, I would have studied some books, articles, statistical material and so on and I should have drawn my conclusions from those sources. But in a time like this I have my own everyday experience, not far away from home but just around the corner. I am living in the Eastern part of Germany, former GDR - a country of relative wealth compared to conditions of life in other countries of Eastern Europe and even more in comparison to other parts of the world. But in the course of reforming from a centrally planned economy to a market economy, people in my country experience social fears for the first time in their lives. There is a quickly rising rate of unemployment and - according to inquiry results - half of the population are afraid of losing their jobs soon.

2. At the same time, there are alarming signs of growing xenophobia and racism. A report of the commissioner for foreigners' affairs of Eastern Berl.. on "Security for the life of foreign citizens in East Berlin", dated 11 September 1990 enumerates criminal acts against foreigners nearly every day in July and August. Most of them were committed very brutally and most of them were directed against foreigners looking different - such as Vietnamese people and Roma and Sinti coming from Romania. Instead of giving a lot of examples I would just like to mention one which found international publicity; when the the German football team became World champion there took place a kind of man hunting at foreigners - especially Vietnamese - in the very centre of Berlin.

3. Criminal acts against foreigners are, of course, only the tip of the iceberg. But that there is a much greater reservoir of nationalist and racist feelings is demonstrated by the fact, that a lot of these acts of aggression are committed in public and that witnesses in the majority of cases react indifferently.

4. That social well-being and tolerance against other people are interdependent is obvious to everybody. Anetta Kahane is demonstrating this fact by giving an example concerning Sinti and Roma. "In good times they are said to love freedom, to feel free and easy, and to possess great knowledge about the nature of things and human beings. There is a lot of partly trashy longing for 'gipsy romanticism' in the songs of all European peoples; there is a lot of admiration for their refusal to bend to strong laws. ... In bad times, however, it is reported that they were responsible for diseases; that they were work-shy, that they were thieves, that they never wanted to become integrated, that they were malicious and practiced magic, that they robbed children, that they were suspicious and lied." /1/ The picture of Sinti and Roma is changing not dependent on their behaviour but dependent on the social well-being of the people around them.

5. People who are afraid to loose their jobs are looking for other people who should loose their jobs first. People becoming aware that there is not enough wealth for all are looking for those who they think not to be legitimated to participate in wealth, they are looking for people who differ from themselves. But, obviously, there are more reasons for the sudden outbreak of nationalism and

racism in my country and it would be too simple to explain the whole problem by economic arguments. Amongst the conditions for the revival of racism are the repression of German history and a way of life of the GDR population which could be described as "protected against international contacts", which did not allow for learning to accept different people to live differently.

6. But the economic sector of the reality is the item of this paper and I shall try to constrain myself to those aspects. Economic factors - that means much more than the question whether people are living well or not. The following aspects shall be looked into in this paper:

(a) Racism and economic interests;

(b) Possibilities of States to influence economic processes with the aim of combatting racism.

7. At the latest since the times of colonization and slave trade it has been well known that racist theories and behaviour are for the benefit of economic interests. Nothing has changed in principle. When today we have discussions about the rainforests in Brazil, in the Philippines, in Indonesia and elsewhere, there are a lot of arguments about the world climate, about unique flora and fauna in those regions, about the interdependence within today's world. On the other hand, we hear only few voices of those who are anxious about the survival of peoples living in and from the rainforests. /2/ The implied idea that those peoples or their ways of life and their cultures are of a somewhat lesser worth is quite convenient to those who are exploiting the rainforests and their

resources.

8. In his annual reports on "Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist regime of South Africa" Mr. Khalifa made it clear, that those listed in it (banks, transnational corporations and other groups of interest collaborating with South Africa) "chose to sacrifice the human being on the altar of sheer economic expediency and profiteering." /3/ The high profit rate prevented such enterprises to participate in an all embracing economic boy-cott against the Apartheid regime which was called for by the majority of States (e.g. in General Assembly resolution 43/50 C of 5 December 1988). Without the collaboration of those banks, transnational corporations and other enterprises the Apartheid regime would not have had survived up to now. Bloodshed and untold suffering could have been avoided; the evil system of Apartheid could have been broken long time ago.

9. Labour organization may be discriminatory itself. In that event, it is regenerating racism again and again. Here, too, southern Africa is an unsurpassed example. Mbuende when describing history and practice of the colonization of Namibia is illustrating this throughout his book. /4/ People who are discriminated and have fewer or nearly no rights are, as a matter of course, a cheep labour reservoir easily to be disciplined.

10. What makes the things in South Africa worse is that unequal

chances and discrimination in the sphere of employment are rooted in and upheld by law. But even where there is no legal basis of different chances in the labour field of people who differ from each other by national or ethnic origin, we have to speak of manifest racial discrimination.

11. Discrimination in that field has an especially bad influence on the way of thinking. For illustrating that let me come back to the problems in my country. The GDR Government had concluded treaties with the Governments of Vietnam, Cuba and Mocambique stipulating that some thousands of people from those countries should work in GDR industry. They were concentrated in some larger enterprises; they lived in closed communities and were thus more or less separated from their German colleagues, and they were not allowed to change their jobs or residence. They came for three years or so and had to leave after the time was over. Partly their work was connected with acquiring some sort of qualification. Now GDR has stopped its existence and the treaties lost their validity. Moreover, in view of the changed economic situation there was no need of manpower. When enterprises had to reduce the number of workers the foreigners were the first to leave. They were not sufficiently protected by labour law, since the legal basis of their work were the treaties. In most enterprises there was no solidarity since German workers hoped to keep their jobs this way. The climate in which racist and nationalist behaviour could develop was characterized by the fact that foreign workers did never have the same rights as their German colleagues. And, maybe, that is the reason for those persons to be the first and

most endangered victims of racist outbreaks.

12. At that point we have to turn to the possibilities and - accordingly - the responsibilities of States. Should States be bound to take human rights considerations into account when determining their economic policies? At least States Parties to the International Covenant on Economic, Social and Cultural Rights are under a certain obligation. Article 2 para. 1 is stipulating: "Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures." Para. 2 of the same Article is equally important to answer the question: "The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status." Taking into account this legal obligation it is quite clear that the States Parties to the Covenant are not totally free in determining their economic policies.

13. Under that point of view I would doubt, for example, if the way of economic changes in the Eastern part of Germany is acceptable. Of course, it may be much more effective to destroy an

old house and to construct a new one than to rebuild the house whilst people are living in it. But is it justified that during the period of destruction and construction people are waiting outdoors?

14. Labour law is regulating relations between the employer and the employee; but it is made by the State. Insofar, the State has an obligation and the ability to prevent discriminatory labour conditions. ILO Convention 111 prohibiting discrimination in employment and occupation stipulates in Article 2 some sort of positive measures to be taken by the States for the promotion of equality of chances. Whilst I believe that positive action for the promotion of progress in that field is important where a difference in chances is existing despite of equality before the law, I do not think that this is enough when unequal labour contracts are possible. The State has to submit its subjects to a legal system which is forbidding any kind of discrimination.

15. Since it is not only due to the legal system that racism is developing but also due to other factors - amongst them economic - there are responsibilities exceeding those of framing an appropriate legal system. That becomes clear from the text of the Universal Declaration of Human Rights which is stipulating in Article 28: "Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized."

16. This consideration led to the adoption of the Declaration on

the Right to Development (GA res. 41/128 of 4 December 1986) which is, in fact, containing resppnsibilities of States concerning their national and international economic policies. A key provision is Article 4:

"1. States have the duty to take steps, individually and collectively, to formulate international development policies with a view to facilitating the full realization of the right to development.

2. Sustained action is required to promote more rapid development of developing countries. As a complement to the efforts of developing countries effective international co-operation is essential in providing these countries with appropriate means and facilities to foster their comprehensive development."

16. Sometimes it is said that such considerations should be made in the economic bodies of the United Nations, not in the human rights bodies. I do not believe that it would be right to separate both problems. They are interlinked in reality and should be looked at in the same way in the United Nations. Dealing with human rights we must not forget about structural causes for their non-realization. And dealing with economic co-operation we must not forget about its human rights effects.

Notes

/1/ A. Kahane, in: Michel R. Lang (ed.), Lustig ist das Zigeunerleben. Zur aktuellen Lage der Roma und Cinti, Berlin 1990, p. 2

/2/ Reinhard Behrend/Werner Paczian, Raubmord am Regenwald, Reinbek 1990

/3/ Statement by Ahmad M. Khalifa at the Third Committee of the 39th Session of the UN General Assembly. His last report was prepared for the 42nd session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities in August this year (E/CN.4/Sub.2/1990/13 and Add. 1).

/4/ Kaire Mbuende, Namibia, the Broken Shield: Anatomy of Imperialism and Revolution; Lund 1986

Racism and racial discrimination: Historical features and contemporary manifestations.

By Asbjørn Eide

Norwegian Institute of Human Rights

Prepared for the Seminar on Political, Historical, Economic, Social and Cultural Factors Contributing to Racism, Racial Discrimination and Apartheid, Geneva October 15-19.

1. *Purpose and limitations of this paper*

2. *Some conceptual clarifications*

3. *Racist mythology in history*

4. *Race, religion and ethnicity*

5. *Mass slavery and its aftermath*

6. *Indigenous peoples and settlers*

7. *Migrant workers*

8. *Apartheid: Combining it all*

9. *Changes in the structure of international society: Its impact on ethnic/race relations.*

1. Purpose and limitations of this paper.

This paper does not aim at a detailed examination of the causes of racism in past history. They form a complex set of economic, social, cultural, scientific, technological and political factors which have been shifting over time and whose manifold combinations have caused great variations in the practice of discrimination in different parts of the world. Nor am I a historian; it would fall outside my professional competence to carry out an investigation of how these factors have interacted in time and geographical space.

My purpose is more modest: I want to explore some of the features of racism and discrimination in the past, and to explore briefly some of the present manifestations.

As a prelude, I have found it desirable to dwell for a moment on the concepts we use in this discourse. The words have changed in their semantic content over time, and not everyone understands the same by the key words chosen for our seminar.

My main focus will be on the evolution and demise of the mythology of race in pseudo-scientific discourse. This will be followed by a set of more specific manifestations of racism and discrimination which is or has been seen to be race-related.

I shall also touch on the history of efforts to outlaw racism and racial discrimination in international law.

I can only hope, in this brief paper, to provide an outline of the major issues. The paper draws heavily on my study for the Sub-Commission on Prevention of Discrimination and Protection of Minorities[1]. Some aspects have been added, however.

---

[1] "Study on the achievements made and obstacles encountered during the Decades to Combat Racism and Racial Discrimination", E/CN.4/Sub.2/1989/8.

2. *Some conceptual clarifications.*

This seminar deals with racism, racial discrimination and apartheid. Neither of those words are free from ambiguity; they are filled with emotions and sometimes passion. They form a significant part of the arsenal of contemporary political discourse. The ambiguity of their use often causes political and even scientific discourse to become confused and thereby make it difficult to find constructive solutions.

The closest we can come to an international consensus on the meaning of these words, is by reference to declarations and conventions adopted by United Nations organs which must be seen as approximations of the views of the world community. With all the weaknesses of the United Nations, there exist no other body with a similar claim to speak on behalf of the world community.

Racial discrimination is the widest concept. It is defined thus in the International Convention on the Elimination of all Forms of Racial Discrimination, art. 1:

> "In this convention, the term "racial discrimination" shall mean any distinction, exclusion, restriction or preference *based on race, colour, descent or national or ethnic origin* which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social cultural or any other field of public life".

It will be noted that "racial discrimination" covers more than race in the traditional sense, a point to which we return.

Racism as a concept has been the subject of several declarations by UNESCO. The most recent is the *Declaration on Race and Racial Prejudice* adopted by the General Conference of UNESCO in 1978. It reads in Article 2 para. 2:

> Racism includes racist ideologies, prejudiced attitudes, discriminatory behaviour, and institutionalized practices, resulting in racial inequality, as well as the fallacious notion that discriminatory relations between groups are morally and scientifically justifiable ....

The core element in earlier versions of UNESCO declarations (see below) was to understand racism as attitudes and

behaviour based on theories or doctrines involving the claim that some racial groups are inherently superior and others inferior. In the early declarations, only the word "race" and "racial" was used in connection with discrimination; by 1978 it is broadened to include "racial and ethnic groups", thus probably adapting to the language of the International Convention on the Elimination of all Forms of Racial Discrimination, which had been adopted in 1965.

Apartheid was sought to be defined in the International Convention on the Suppression and Punishment of the Crime of Apartheid. In its article II, apartheid is understood to be policies and practices, including and similar to those committed in Southern Africa, consisting in (inhuman) acts

> "committed for the purpose of establishing and maintaining domination of one racial group of persons by another group of persons and systematically oppressing them"

The crime of apartheid consists of certain inhuman acts, listed in detail in Art. II, committed for the above stated purpose.

We should also take note of the notions of heterophobia and xenophobia. There are, to my knowledge, no legally relevant definitions of these social and cultural phenomena. They refer to pervasive, fluctuating and largely irrational feelings of hostility (and correspondingly hostile behaviour) towards groups belonging to different cultures, different ethnic and cultural backgrounds, and different religions. The strength of heterophobia and xenophobia varies with economic and political conditions. At times such feelings and in particular the corresponding behaviour is subordinated to and suppressed by other factors, such as ideologies directed against different political systems; at other times such sentiments reappear in strength and create serious political turbulence.

3. *Racist mythology in history*

Probably the most significant achievement in our time is the practically unanimous finding by contemporary scientists that theories of race postulating a superiority-inferiority relationship are without any biological foundation. Modern science has been able to show that the word "race" is practically devoid of biological meaning. This is significant because racism has been built on pseudo-scientific assumptions, which now have been shown to crumble.

UNESCO has on various occasions sought to define racism. In UNESCO's 'Fourth statement of race"[2] it was defined as "anti-social beliefs and acts which are based on the fallacy that discriminatory inter-group relations are justifiable on a biological ground". It can be useful to review briefly the evolution of those theories in the light of modern knowledge.

> "All attempts to classify the human species so as to give objective content to the concept of race has been based on visible physical characteristics. In fact, the concept of race can only be based on transmissible characteristics, that is to say, not on visible physical features but on the genetic factors that govern them."[3]

While heterophobia, xenophobia and ethnocentrism are world-wide phenomena, probably as old as the existence of ethnic groups, racism is a European invention dating less than 300 years back. It coincided with the European explorations of other continents of the world, and their encounter with peoples which differed from themselves both in appearance and in culture. Gradually, Europeans developed theories about biological links between appearance and culture. The foundation of racism was thereby established.

The earliest efforts resulted from rather innocent scientific speculation. Explorers, geographers, philosophers and the pioneers in biological science sought to systematize their observations of the existence of peoples of different colour and physiognomy. There was initially no assumption of superiority/inferiority between these classes.

---

[2] UNESCO, Four Statements on the Race Question, Paris 1969.

[3] UNESCO: Science and racism. Report from the meeting of scientists convened in Athens March 30-April 3, 1981 by UNESCO. Report edited by Philippe Lefait. UNESCO 1982.

Francois Bernier (1684), a French geographer, was the first to use the notion of human races in an effort to introduce a new classification system of peoples in the world.[4] He did not attribute intellectual or moral differences to these groups. Gottfried Wilhelm Leibniz (1728) similarly divided humankind into five "species" or "races".[5] His language was still unclear, since he insisted that all human beings belonged to one race. Like Bernier, he made no differentiation between the different races in terms of innate abilities.

It must be remembered that in Europe, religious dogmas preceded racist theories. The Biblical description of the Creation had most Christians in the 18th century believe that all human beings descended from Adam and Eve, and were therefore all of one race. This, however, was combined with a strong religious fervor according to which non-Christians were "infidels" or "heathen". This belief was used to justify conquest and persecution. A revealing expression of this religious fervor, or the political and economic exploitation of it, can be found in the "Requerimiento". This document was made at the Spanish court in 1513. It was requested by Dominican friars, to be used by conquistadores. The document based its legal validity on the Bulls by Pope Alexander VI in 1493, delegating papal authority over most of the Americas to the Spanish monarchs. These were assumed to have God-given sovereignty over not only the land, but also its inhabitants. The requerimiento was to be used by the conquistadores to be read to the Indians. If the Indians accepted it, they would then become serfs of the Spaniards; if not, the document presented in stark terms what would then be done:

> "With the help of God, we shall forcibly enter into your country and shall make war upon you in all ways and manners that we can, and shall subject you to the yoke and obedience of the Church and of their Highnesses (the Spanish King and Queen), we shall take you and your wives and your children and shall make slaves of them as their Highnesses may command; and we shall take away your goods, and we shall do all the harm and damage that we can as to vassals who do not obey and refuse to receive the Lord, and

---

[4] Francois Bernier: Nouvelle division de la terre, par les differentes especes ou races d'hommes qui l'habitent (Journal des Scavants 12, 1685, p. 148).

[5] Gottfried Wilhelm Leibniz, Otium Hanoveranum, Leipzig 1628.

resist and contradict him.[6]

Only at the end of the 18th century did the idea take hold that different races existed, with different origins. This was later strengthened by the theory of evolution by Charles Darwin and his successors, which undermined the Biblical claim of the Creation but opened up for more explicit racism. The first steps on this road had already been taken, quite unwittingly, by the early natural scientists.

Carl von Linné (Linneaus) who became famous for his systematization of all living things in his Systema Naturae, placed the human being (Homo Sapiens) at the top of the "animal regnum" and subdivided humankind into four "species" based on their outward appearance, in line with Bernier and Leibniz. In his first edition (1735) he made no differentiation with regard to the innate qualities of the members of the different species. In the tenth edition (1758) it seems that he, like some of his contemporaries, started to introduce notions of a link between outward appearance and innate qualities, including temperament.

It is this transition from a simple classification of outward appearance to assumed (and unproven) differences in innate capabilities and characteristics which was to lead later to the dramatic degeneration of science in regard to races. Apparently, this fallacy arises during the second half of the 18th century.

Neither Linneaus, nor his contemporaries had any way of investigating the genetic factors which governed the transmissible characteristics. But, as pointed out two centuries later by the scientists assembled by UNESCO in Athens in 1981, modern biological techniques have made it possible to study these factors. They reveal a far greater genetic diversity than had been imagined.

> "It has been found that the differences between the genetic structures of two individuals belonging to the same population group can be far greater than the differences between the average genetic structures of two population groups. This finding makes it impossible to arrive at any objective and stable definition of the different races and consequently deprives the word "race" of much of its

---

[6] Tzetvan Todorov: The Conquest of America, translated by Richard Hower (New York, 1984) p. 147. Here quoted from Leonard Thompson: The Political Mythology of Apartheid, Yale University Press, New Haven, 1985, pp. 5-6.

biological meaning".[7]

Essential to our understanding is it to remember that race theories in Europe at the end of the 18th century and through the 19th century rarely differentiated between "ethnic group" and "race"; nor was a distinction made between biological and cultural features.

To this, the scientists assembled in Athens in 1981 said:

> "Man has developed culture, which has enabled the human race to adapt itself to different ecological environments and to transform them according to its needs. The preeminence of culture makes the human species unique and invalidate any explanations of human behavior based solely on the study of animal behavior. There are no grounds for explaining variations in group behavior in terms of genetic differences."[8]

Race theorists during the 19th century were not aware, or did not pay attention, to these aspects. The observed differences in culture of peoples in different parts of the world were evaluated by European standards. Europeans considered themselves superior and held other cultures to be inferior, though to different degrees. A double fallacy was involved: The Eurocentric assessment of cultural qualities, and the inability to separate between biologically (genetically) transmissible characteristics and those culturally acquired.

> "The complexity of the interaction between biological and cultural factors makes any attempt to establish the relative importance of innate and acquired characteristics completely meaningless", said the scientists convened in Athens in 1981.

Race theories in the 19th century became increasingly assertive. Charles Darwin's theory of evolution was quickly exploited by Social Darwinists to consolidate the prevailing prejudices about superiority and inferiority.

Race "theories" lost touch with serious science and relied in

---

[7] Race and Science, op.cit., pp. 32-33.

[8] Race and Science, op.cit., p. 33.

its place on vague, theoretical postulates. "Science" came to serve political purposes. A landmark in this degeneration was the notorious work of Joseph Arthur, Comte de Gobineau, who developed a grand theory of the history of humankind in the 1850s.[9] He was the first to give prominence to the concept of the superiority of the so-called "Aryan" race. He deeply influenced, among others, Richard Wagner, who in turn had a strong impact on Houston Stewart Chamberlain. The major work by Houston Stewart Chamberlain, a British-born author who settled in Germany, is entitled Die Grundlagen des 19. Jarhunderts. Its first edition came in 1899 and appeared in 28 editions, the latest in 1942. It had a strong impact on Austrian and German mythology in the first part of the 20th century and deeply influenced Adolf Hitler as a young man.

Race theories were in the 19th and early 20th century serving social, political and emotional ends in parts of the European and North American population as well as in other parts of the world where Europeans had settled. The theories served to legitimate actions which have caused untold suffering to millions of human beings in a multitude of ways. Racism has been used for purposes of exclusion, marginalization, and subjugation.

Exclusion, at its extreme, has sometimes taken the form of genocide. Marginalization has been effected by white settlers penetrating into territories populated by different peoples, who have in many cases been pushed into the interior and inhospitable parts of the country concerned, or forced to accept to live on reserves which very often provide them with little or no opportunity for meaningful way of life. Subjugation in its extreme form took the form of slavery, a dark chapter in the history of the Americas.

It is now generally recognized that the colonial expansion was strongly influenced by widespread assumptions that Europeans had superior civilization and culture. In his study of racial discrimination, Hernán Santa Cruz described these assumptions as follows:[10]

> "Europeans, it was explained, colonized portions of Africa or Asia in order to preserve the indigenous peoples from barbarism, to convert them to Christianity, or to bring to them the "benefits" of

---

[9] Joseph Arthur de Gobineau: Essai sur l'inegalité des races humaines, 4 vols., Paris 1852-55.

[10] Hernán Santa Cruz: Racial Discrimination. Revised and updated version, 1976. New York: United Nations, 1977, para. 40.

> civilization. Regrets were frequently expressed that the "natives" were so incapable of self-government, so far from being ready for independence, so thoroughly unable to manage the machinery of modern technology."

This was often said to be "the white man's burden". These opinions, widespread in Europe during the 19th century, based on pseudo-science and confused thinking, was used to legitimize morally the colonial conquests.

It has been pointed out above that race theories about superiority and inferiority started to emerge during the second half of the 18th century. This is also the time when the slave trade began to become profitable business. Santa Cruz writes (para. 20):

> "The nominally Christian slave trader found belief in the inferiority, and even non-human nature, of the black man to provide a convenient rationalization for his business. As Philip Mason points out, this affirmation of the inferiority of black people was an attempt to balance the rather unbalanced equation of the Western Christian ethic that preached human brotherhood and equality of all people, not only before God but also in any democracy, while seeking to enslave some human beings."

Before the outbreak of the American civil war, a leader from one of the Southern states, Jefferson Davies, told the Senate: "One of the reconciliating features of the existence of Negro slavery is the fact that it raises white men to the same general level, that it dignifies and exhorts every white man by the presence of a lower race."

In Europe, racism was used mainly in the process of nation-building and its main target was the Jewish population, but that was only the top of the hierarchy of "races" againt whom Nazism was directed. Others who were to suffer included the Romanies (Gypsies) as well. From Gobineau onwards, the mythology of the superiority of the "Aryan" people took hold and authors such as Houston Chamberlain projected a struggle for world domination between the Jewish and German peoples. As we shall see below, the persecution of Jews in Spain and many other places was initially based on <u>religious</u> intolerance. By the 19th century, however, it was increasingly seen as an issue of race. This was woven into the Nazi "theories" of race which resulted in the catastrophe now called Holocaust.

Racist mythology collapsed by the end of World War II, partly as a result of the revulsion against Nazi use of racism in its boundless cruelty, and partly because modern science by 1945 could prove the fallacies of racist theories. Where past racism had structured social relations, however, discrimination did not disappear. The UN has undertaken a complex mission to obtain its complete eradication. The Decades were intended to stimulate concerted action for that broad purpose.

4. *Race, religion and ethnicity*

It has been noted earlier that for purposes of separation or classification, there has not always in the past been made distinctions between belongingness to religion, race, minority, or ethnic group. Discrimination directed against one and the same group has with the change of time been explained variously as religious intolerance, racial prejudice, social conflict, cultural antagonism, or xenophobia.

4.1 Religion and race: The case of anti-Semitism in Europe.

Antagonism against Jewish people had existed during centuries, though the rationalization had changed considerably over time. For centuries it was primarily an issue of religious intolerance by Christian communities, but affected by cultural conflict, national self-preservation, and in the 19th and early 20th century also a fear of modernization and hostility to capitalism. Different groups with a wide variety of concerns directed their antagonism against Jewish people, drawing on various stereotypes propagated in anti-Jewish campaigns.

Until the 1870s, however, it was not cast in terms of race. The very concept of anti-Semitism was not used. Influenced by the race theories which came fully into the open around 1850, a major change took place during the last decades of the 19th century. The race theories of Comte Gobineau, which for the first time made use of the notion of the Aryan race, was reinforced by Social Darwinism, and further cultivated among other places in the Bayreuth circle around Richard Wagner. It was finally translated through ideological writing into action by authors like Houston Chamberlain, who contributed to a consolidation of several strands of anti-Jewish sentiments which by 1870 was defined as anti-Semitism, building on vague assumptions of a biological heritage.

Semantic and intellectual confusion was extensive, to a large extent deliberately so. The notion of anti-Semitism builds on "semitic", which either can refer to language and culture (those who speak semitic languages or to Semitic cultures) or to "the descendents of Shem" (derived from the description in the Biblical Genesis, Chapter X). Those two elements do not coincide, but for the racists this was not important. Assumptions about biological descent, language, culture, social position, and the fear of carriers of modernization which allegedly destroyed national culture and the nation itself - all of these disparate elements were weaved together. Small anti-Semitic political parties emerged in Germany during

the end of the 19th century. In France, anti-Semitic sentiments culminated with the Dreyfus affair. By World War I, these emotion had to a large extent been diffused, but in Germany the impact of the defeat during that war, together with the subsequent economic dislocation, was to cause a most cruel reappearance of what was called "scientific anti-Semitism" by the Nazis.

The resulting Holocaust prior to and during World War II is sufficiently well known to need no recounting here. The experience of unbridled brutality, however, was an essential factor in the formation of a global consensus after the war to adopt and to implement an International Bill of Human Rights and to make the elimination of racial discrimination a key element in that process.

This very sketchy description of the evolution which took place in the muddled ideology of racism has been recounted here as a reminder of the conceptual obfuscations which often form part of discriminatory attitudes and behaviour, making anti-discrimination efforts particularly difficult.

4.2 Ethnicity and race.

The word "race" has in most cases been used by the dominant group (usually white) implying a superiority/inferiority relationship. "Ethnicity" does not necessarily entail any such ranking, but there may be conflicts between ethnic groups for numerous reasons: Control over land, political influence, predominance of culture, religious struggle, affiliations to peoples in other countries, to mention only some. This is further aggravated by transmigrations of groups of people. Problems can arise both when those who move are forced to do so, and when the migration is voluntary on the side of those who move but forced upon those who already live in the region concerned.

The UN has been faced with a double task: To prevent discrimination against members of ethnic groups, and to protect the right of (members of) these groups to exist as separate groups in one or more respects.

This duality is not always easy to manage, certainly not during times of ethnic conflict. A substantial part of the violations of human rights communicated to the United Nations are related to ethnic and cultural conflicts, sometimes interspersed with religious elements.

The origin of such conflicts can sometimes be found in real or imagined discrimination directed against members of minority groups, or in efforts made by the dominant society to

assimilate the minority by providing its members with equal enjoyment of individual rights while eliminating their possibilities to maintain their characteristics as a group: Language, religion, culture, and local autonomy where applicable.

At the extreme are cases of genocide, where the dominant society seeks physically to destroy a national or ethnic group. This is clearly illegal under international law, not only under the convention on the Prevention and Punishment of the Crime of Genocide, but as part of international jus cogens. International supervision in this field is still very weak, however, and has not been much improved during the Decades.

Denials of human rights protection for members of minorities is unfortunately not uncommon. The Sub-Commission has paid particular attention to the problem of discrimination in the administration of justice, including the study by the late Mr. Justice Choudhury on "Discriminatory treatment of members of racial, ethnic, religious or linguistic groups at the various levels in the administration of criminal justice" (E/CN.4/Sub.2/1982/7). In the conclusions, it is stated:

> Discriminatory treatment against members of racial, ethnic, religious or linguistic groups at the various levels in the administration of justice is, in a number of jurisdictions, a fact of current life. It would seem that as politically and economically subordinate groups seek to achieve self-determination and rise in the social structure, they are continually confronted by the legal structure. Many minority group members feel that the criminal legal system is heavily weighted against them and that the police represent a foreign, alien power." (para. 160).

This aspect should be given more attention. When members of minorities feel that they are not provided with equal protection by the law enforcement officials of their country, this is likely to intensify ethnic conflicts and lead to an escalation of violations on both sides. It is essential, therefore, that equal and reliable protection is provided by the agents of law. If not, the situation easily slips into massive violations and counterviolence.

There is a delicate balance between prevention of discrimination and protection of minorities. The Convention on the Elimination on Racial Discrimination defines racial discrimination broadly enough to include "distinction, exclusion, restriction or preference based on ...national or ethnic origin which has the purpose or effect of nullifying or

impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms for all...".

The convention allows for affirmative action for groups which in one way or another has been disadvantaged and which may need such protection until equality in fact has been achieved.

But the issue of ethnicity goes further. It is an issue of maintaining a separate identity for the minority as a group. To find the appropriate balance between non-discrimination and equality on one hand, and respect and protection of the separate identity on the other, would probably be facilitated if there were in existence international standards concerning rights the minorities have.

5. Mass slavery and its aftermath

One of the origins of racism, as it developed in the 18th century, is that of mass slavery. While slavery has been known throughout history and practiced by most cultures, the large-scale slavery associated with plantations was unprecedented in history. Large groups of Americans, in the North and the South of the continent, are descendants of free African men and women who were trapped, detained and forcibly transplanted to the Americas where they were treated as simple property, often with great cruelty. In the United States, this was finally ended with the Thirteenth Amendment in 1865; in most, but not all other states in the Americas it was ended earlier.

Next followed a stage in which those who had now been set free again and their descendants were nominally entitled to the same rights and protection as whites. Since they were given practically no opportunity of education, very minimal vocational training, and effectively barred from political and social institutions, large parts of the black population was still segregated. The US Supreme Court upheld the doctrine of "separate but equal" in terms of facilities made available, in Plessi V. Ferguson (1896).

The major change started with the introduction of welfare-state concerns during the New Deal period of Franklin Roosevelt. Racial integration was also promoted in the US Army during and after World War II, and the Civil Rights Movement gathered momentum in the 1950s.

The major breakthrough, the decision of the Supreme Court in the decisive "Brown v. Board of Education of Topeka, Kan." (May 17, 1954) which declared separate educational facilities to be inherently unequal and therefore unconstitutional, has had great impact. So has the Civil Rights Act, adopted in 1964, initially proposed by President Kennedy but eventually passed by the urging of his successor, President Lyndon Johnson. The constitutionality of the act was challenged, but upheld by the Supreme Court in the "Heart of Atlanta Motel v. U.S." (1964).

Considerable improvements have taken place through the use of this legislation and in other ways, but implementation has been made difficult due to opposition to affirmative action programs. So-called reverse-discrimination suits have successfully been taken by persons who have not obtained admission to schools because of affirmative-action quota requirements.

While political rights for blacks have largely been obtained, equality in social and economic fields is still far from being

achieved. Statistics indicate that (1) relative to whites, Blacks made rapid gains in wage parity and employment from 1940 to 1960, with a slow-down in the 1960s and the beginning of a reversal in the mid-1970s to 1983. The advancement was positively influenced by improvements in educational access and the desegregation of schools. The rapid post-war expansion of U.S. economy facilitated the expansion of employment level for Blacks and the move towards wage parity, (2) while wage parity again continue to improve, employment levels of Black men has not only stagnated but seem to have fallen somewhat since 1970. Employment discrimination is therefore at present the greater problem, affected also by the apparent slow-down in affirmative action.

In all societies, social discrimination affects legal protection. This applies also to situations originating in slavery. Persons who find themselves discriminated, who often have little self-esteem because of the attitudes of others in their environment, and who have relatively small prospects for an egalitarian participation in society, are likely to face more difficulties also with the police and courts.

The percentage among prison populations and of psychiatric institutions of those subject to social discrimination is disproportionate. It may therefore be desirable to carry out a more systematic investigation of the composition according to colour or ethnic background, of the population under detention, be it in prisons or psychiatric institutions.

Excessive use of force by law enforcement agencies in regard to different racial groups could also be made the subject of investigation, together with a review of efforts made to prevent such actions.

6. Indigenous peoples and settlers

Current manifestations of racial discrimination affecting indigenous peoples and their individual members is the result of a long, historical process of conquest, penetration and marginalization. A two-fold process has been at work: a gradual destruction of the material conditions necessary for the indigenous peoples to continue their own form of life and to maintain their own language and culture; simultaneously, members of indigenous peoples have often been met with attitudes and behavior by members of the dominant group of exclusion and negative distinction when they seek to participate in the social and economic activities of the dominant society.

The dislocation to which they have been subjected, started with conquest and pressure to obtain land and resources (including gold). The rationalization for the conquest was, particularly in South America, religious missionary zeal, but later the justification became more racial in nature. Still later, the dominant society has sought the rationalization in alleged superiority of culture, conceiving the culture of the indigenous peoples as 'traditional' and inferior. The individual members of the indigenous people are seen as carriers of that inferior culture. The deeply tragic irony is that it is exactly the impoverishment caused by the conquest made by the dominant society which has undermined the possibility for the indigenous people to maintain and to develop their culture and way of life.

It has been claimed that the indigenous peoples today find themselves in at least the following different situations:

- In "hinterland" areas, where they carry out their traditional way of life, with little direct interference by the dominant society;

- in "enclaves" or reserves, which are often over-populated and where to some extent they depend on welfare, in practice often functioning in a negative way for their self-respect and their own development;

- in functioning agricultural societies, as peasants, but with inadequate access to land and therefore having difficulties in obtaining a necessary income on the basis of their own efforts;

- finally, there are significant numbers of indigenous peoples now living in urban areas, many in a marginal position, subjected to discrimination and with a lack of education making their participation in the dominant society

difficult.

Only a small minority of them has succeeded to become fully integrated in the dominant society, and many of those who have, experience a loss or a split of identity which psychologically and socially can be devastating.

7. Migrant workers

Problems related to aliens and migrant workers are sometimes cast in terms of race. Here, as in many other contexts, the notion of "race" is used in a vague and imprecise way. Aliens (including migrant workers) often, though not always, belong to different cultures and are sometimes of a different colour. The greater the apparent differences to the population in the country of residence, the more likely they are to be exposed to xenophobic sentiments and behaviour from some segments of that population. Xenophobia is greater during periods of economic recession and competition for jobs and other scarce resources. It is sometimes also exploited by politicians, using xenophobic emotions to extend their political base.

One set of problems arose in the wake of decolonization. During the colonial period, settlements of aliens had been encouraged by the colonial administration, for plantation and other forms of labour. After independence, tension and conflicts over land and resources have in some places resulted. While this is comparable to other ethnic conflicts, the fact that some of the members of these groups did not have citizenship at independence, made some of the governments concerned inclined to expel those "aliens", who might already have lived there in several generations.

In Europe there have been several indicators of a re-emergence of racism. Under the European Parliament, a Committee of Inquiry[11] reported in December 1985 that there were some small groups still professing such ideologies:

> Forty years after the victory over the Nazi and fascist regimes, groups and individuals in the Community and in other countries of Western Europe still proclaim their adherence to those regimes' ideologies, or at least some of their features, and especially those which are racist and anti-democratic. (para. 345)
>
> These groups are in general extremely small. Their multiplicity, due to ideological dissention, constant personal squabbles and occasional outlawing, can hardly disguise the smallness of the numbers and the meagerness of their resources. It may be said that the more radical their ideology and

---

[11] European Parliament: Committee of Inquiry into the Rise of Fascism and Racism in Europe, established October 25, 1984. Chairman: Dimitrios Evrigenis (Greece). Report presented December 1985.

> behavior, the more peripheral these groups become. (para. 346)

Due to the smallness of these groups and their lack of support among a broader public, these groups were not found to constitute a major problem. There were other phenomena which were potentially much more dangerous, and these are primarily directed against migrant workers, refugees and the new ethnic minorities in Europe.

> There is cause for more concern over the rise of more or less diffuse feelings of xenophobia and the increase in tensions between different communities. It has a distressing effect on the immigrant communities which are daily subject to displays of distrust and hostility, to continuous discrimination, which legislative measures have failed to prevent, when seeking accommodation or employment or trying to provide services, and, in many cases, to racial violence, including murder. The situation is aggravated by the fact that, rightly or wrongly, these minorities have little confidence in the institutions on which they should be able to call to uphold their rights and to offer them protection.
>
> The development of this situation is associated with a new global malaise, the elements of which are difficult to identify and assess and in any case may vary from context to context. They comprise the time-honored distrust of strangers, fear of the future, combined with a self-defensive reflex which together often lead to a withdrawal symptom, prejudices arising from the way national and international news is presented, and occasionally a spiral of violence in which aggression and defense are almost inextricably intertwined. All these elements can be found in crisis-ridden urban centers, where physical, economic and social conditions gravely militate against dialogue and tolerance. (para 354-55)

Too little attention is given to this unease and its future consequences:

> "Many Europeans have difficulty in getting used to the idea that their countries have irreversibly become mixed societies of people of diverse European

and non-European origin."[12]

In one sense, the world is becoming more open. Transactions across state borders are multiplying. Capital is flowing freely to most corners of the world. Scientific and technological exchange is on the increase. It is but natural that in this process, the flow of human beings across state boundaries is also increasing. As a consequence, people normally used to live in a homogeneous society, are now facing neighbours with different color and different language as well as different cultures.

For those who feel insecure, this adds to their insecurity. The response is a frightened effort to stem the tide of access of other peoples to their shores. Some of the Europeans whose forefathers emigrated to the continents of North and South America, Australia, New Zealand, Africa, and most other corners of the world, are hostile to the presence of persons of other colours and cultures moving the opposite way - from Africa, Asia, and the Caribbean.

Western governments increasingly face the dilemma of pursuing an open door policy in other parts of the world (access of trade, technology and investment) while meeting increasing resistance at home against new arrivals. This dilemma will not easily disappear, and will constitute a significant human rights problems in the years to come. Improved standards for the protection of human rights of migrant workers and aliens already lawfully in one of these countries is important, but the problem of access will become more rather than less accentuated in the years to come.

---

[12] New Expressions of Racism. Growing Areas of Conflict in Europe. International Alert in cooperation with SIM (Netherlands Institute of Human Rights, Utrecht). SIM Special No. 7, 1988.

8. Apartheid: A combination of all features of racism.

Apartheid is presently appearing to be undergoing substantial changes. Let us hope that within the near future this outright and direct defiance of contemporary human rights will come to an end. It is not my purpose to examine the present processes of change; to them we will return in later stages of the seminar. I shall restrict myself to a brief description of the main features of *apartheid* in modern history.

It stems from archaic 18th and 19th century racism, now defunct in Europe from where it came. Its continued influence on the dominant part of the white minority during the 20th century can be explained by the economic and political benefits obtained by the alliance between Afrikaaner nationalists and those other elements within the white population who would, in the absence of racial discrimination, have formed the labour class and whose privileged position has depended on continued discrimination[13].

The two pillars of *apartheid* have been separation and subjugation. Separation has been pursued in order to marginalize and to exclude the non-white population from sharing in access to land and natural resources, subjugation has been pursued in order to exploit the non-white for purposes of extraction and processing.

The main element has been the "Homelands" policy, an effort to discard the majority of the African population to "independent states" while most of South African land and natural resources is reserved for the white population, to be shared only with a relatively small part of the African population: Those who are "urbanized" and now given citizens rights in what was formerly "white" areas.

Land and citizenship

The economic origin of apartheid is found in the appropriation of vast land areas by the whites, and the consequence this had for the marginalization of the African population. This was

---

[13] The alliance between the Afrikaaners and the white working class took form at least from the time of the Rand Rebellion in 1922, which gave rise to the Pact government in 1924, a precursor to political alliance which gave rise to the Nationalist party victory in 1948, and which formally introduced *apartheid*.

formalized in the "Native Land Act" of 1913, as further developed by the later "Native Trust and Land Act" of 1936. The effect of this legislation was to reserve for the white minority 87% of the land of South Africa, envisaging a future for the African majority to live on the remaining 13% or to work for the whites in the rest of the country. This effort to disinherit the African people was further formalized by the "Black Authorities Act" no. 68 of 1951, by which the policy of establishing "homelands" began. Local authorities were to be established in the marginal areas reserved to the Black, with tribal authorities at the lowest level and building up to regional authorities and eventually to territorial authority. In the cramped and poor areas set aside for them, authority was to be in the hands of the Black. White input should be limited to advice and assistance.

The stated goal was to provide these territories with self-government and eventually give them complete political independence, but the obvious intention was to discard the African people by denying them citizenship in South Africa, referring all of them to the various "homelands".

The present South African government is trying to project the marginalization of the African population, and the intended consolidation of their control over the land and natural resources outside the Bantustans, by reference to "group rights" and "ethnic identity". For an audience without knowledge of the history of deprivation in South Africa, this can distract the attention from the underlying purposes.

In regard to the UN this is a wasted effort. The so-called "group rights" are not rights claimed by the groups, but a classification imposed by the racist regime and implemented to keep them out. The "ethnic identity" is not felt by the persons concerned but an "identity" sought to be created by the government, through the political and educational systems. The rejection by the non-white population of these efforts is abundantly clear, and hopefully no one in the international community will be taken in by this perverted version of "ethnicity".

The racist classification system

The most manifest aspect of racism in South Africa is the classification of the population according to racial criteria. The origins of this classification go far back into South African history, and there is no reform going on.

At least from 1911, racial classification was used in the legislation. It was developed by the Nationalist Party into a rigid system particularly through the "Population Registration

Act", no. 30 of 1959, which has been amended in 1962, 1967, 1969, 1970 and 1973 and further consolidated by the "General Law Amendment Act" no. 80 of 1964. All South Africans were classified either as White, Asian, Native (later Bantu) or Coloured. The "Coloured" and the "Bantu" or African were subsequently subdivided. The "Coloured" were divided into Cape Coloured, Cape Malai, Griqua, Indian, Other Asiatic, and Other Coloured. Africans were subdivided into North Sotho, South Sotho, Tswana, Zulu, Swazi, Xhosa, Tsonga and Venda by the "Promotion of Bantu Self-Government Act" no. 46 of 1959.

Exclusion of political rights on racial ground

Racism was consolidated already when South Africa became independent in 1910. The constitution excluded all non-white citizens from parliamentary rights, though allowing a limited continuation of some of the non-racial constitutional elements in the Cape and in Natal.

Following the electoral victory of the National Party in 1948, the "Black Authorities Act" no. 68 of 1951 and the "Separate Representation of Voters Act" no. 46 of 1951, removed the coloured and Indian voters in the Cape province from the common voters and placed them on a separate roll but allowed for white representatives to represent them in parliament and two in the Cape Provincial Council. Those coloured voters in Natal who already had voting rights remained there until their death, but no further registration was allowed. In 1959 the white representatives who had represented African citizens since 1936, were removed. In 1968, the "Prohibition of Political Interference Act" no. 51, prohibited multi-racial political parties in South Africa.

Education: Separate and unequal.

A major breakthrough in the United States civil rights movement was the demolition of the "separate but equal" doctrine, finally eliminated by the US Supreme Court judgment in "Brown vs. Board of Education of Topeka, Kan." (May 17, 1954).

In South Africa, education is not only separate but also unequal. One of the main aspects of apartheid has been to intensify the separation of education, which was incorporated in the "Bantu Education Act" no. 47 of 1953, relentlessly and cruelly pursued until the explosion of unrest by the students in Soweto in 1976.

The difference in spending on white and African students is still great, though it has declined. In 1986, 7.1 times as

much was spent on one white pupil as on one African. There were 41 African pupils to 1 teacher, compared with 16 white pupils to 1 teacher.

Segregation of human relations

While the deeper purposes of apartheid is the maintenance of economic and political privilege, it has been relentlessly pursued also in the most intimate fields of human relations. Often referred to as "petty apartheid", though cruel to the people it concerns, it has been the aspect of the apartheid system which has most easily attracted attention and where the "logic" of racist mythology has been pushed to its extreme.

Job reservation

One of the most exploitative aspects of apartheid has been the reservation for whites of skilled jobs. The Industrial Conciliation Act no. 28 of 1958, which contains section 77, the "Job Reservation Clause", authorized the Industrial Tribunal to make propositions for job reservations, the effect of which was to keep black labor at the lowest and unskilled level of labor, practically preventing training of black skilled labor and apprentices as artisans. In 1977 almost 80% of the artisans in South Africa were white, and only 2.2% were African. Among the apprentices, there were 78% white and 1.9% African.

Trade unions

The Malan government of the Nationalist party, which took power in 1948 and introduced apartheid as a formal policy, saw it as one of its major purposes to destroy African participation in trade unions. This was done, first, by the Suppression of Communism Act no. 44 of 1950, which defined communism in a ridiculously wide way, and which gave authority to ban unions and their members.

9. Changes in the structure of international society and its impact om changing ethnic/race relations.

The phenomena of racism and discrimination based on nationality, ethnicity and religion have been deeply influenced by changes in the structures of international society.

The impact of migrations and imperial formations in the past was substantial and obvious, whether we refer to Chinese, Mogul, Hellenistic, Roman or the more recent European formation of colonies and empires.

The grand European conquests, colonizations and establishment of settler societies during the 16th to the 19th century, however, provided the strongest impetus for racial classifications and discrimination on a world scale.

In the present century, it is sought to be undone. International relations and in particular international law has changed significantly. The basic principles are now the equality of states and the equality of all human beings.

This is a feature only of the post-World War II period.

When the League of Nations was established, Western states were not yet ready to accept the principle of elimination of racial discrimination. Efforts by Japan to introduce this principle into the Covenant of the League was then opposed by several Western countries, including Britain, which in turn was urged to oppose it by Australia and New Zealand. The latter feared that the principle of equality and non-discrimination on the grounds of race would affect their treatment of the aboriginal and Maori populations[14].

In drafting the Charter of the United Nations, on the other hand, equality and non-discrimination on the grounds of race was seen by all to be essential. For the countries of the North, however, the main concern was to bring an end to anti-semitism, which had been the most cruel manifestation of rampant racism prior to and during World War II.

With the entry into the United Nations of a large number of African states from 1960 onwards, the emphasis shifted to

---

[14]For details, see Warwick McKean: Equality and Non-Discrimination under International Law, Clarendon Press, Oxford 1983, pp.14-20.

racism based on colour - White discrimination of non-white people. *Apartheid* became the major symbol.

There is a growing awareness, however, that there are many other forms, where discrimination is based on nationality, ethnicity, culture and religion. When, hopefully, *apartheid* has disappear, the international community will have to come to grips with those manifold situations where discrimination is not based on theories of superiority and inferiority, but on fear and rejection of those who are different - whether it be in Europe, Africa, Asia or in the Americas.

Causes of and current manifestations of racism: Political factors contributing to racism and racial discrimination

Background paper prepared by

Henry V.H. Sekyi

Basically this paper takes the view that the primary causes of race prejudice, political economic or whatever, are mostly embedded in the past but that they have left us of the present day certain unhappy though persistent legacies; and these, especially when they lend themselves, as they often do, to abuse in the civil or political sphere, lead, as secondary causes of a kind, to further waves and outbursts of racism. The fundamental remedy therefore advocated, is to identify, attack and destroy or neutralize all such legacies.

When from whatever cause religious persecution, economic exploitation, political domination, or an exclusive xenophobia happens to be directed against a particular group or groups of racially identified, then racism, properly so called, results. Injustice often generates its own self-defence in the form of pejorative stereotypes of its victims. Injury demands the added insult. As in the early Roman Empire the persecuted Christians were branded even by responsible writers as a band of criminals, so in the later, now Christianized empire, the Jews persecuted for their religion began to be stigmatized with every racial insult.

Where the victims are not a congeries of diverse elements, but a homogeneous group, their common denominator, be it race or colour or whatever, becomes the target of the insult added to justify the injury. Racism results. From this fate the early Christians were rescued not only because they did not have this common denominator, but because the Roman persecutor himself turned Christian, and after him his European converts and successors. But the opprobrious stereotypes which then entered the thought and culture of Europe against the Jewish people persisted, to operate in various forms and under various guises, now open, now latent, intensified and abated by turns, here as wholesale expulsion, there as a pogrom, or again as civil and political disabilities, to erupt at length in unparallelled horrors like those of Auschwitz and Belsen. The history of those thousand and five hundred years surely points to the insidious, persistent and deadly nature of the disease of racism. For, just as the secondary deposits in a case of cancer survive the original tumours, and lurk in the bloodstream, to wreak, later and elsewhere, still deadlier havoc, so are we shown that, once the pernicious racial myth or stereotype is well and truly injected into the stream of a nation's thought, it can easily subsist long after the original causes are nearly forgotten, it can persist into ages long distant, to serve as the pretext, the irritant, the manic element, in any situation were more mundane motives of material or political gain may be the real factors at work. For the possible consequences we need only look at the hair-raising precedents.

The only ancient but still more or less surviving form of racial persecution is anti-Semitism, whose origins are, as we have seen, religious and date as far back as the later Roman Empire. All other surviving forms seem relatively recent, being more or less contemporaneous with the expansion

---

Note: The annexes referred to in this document are available for consultation in the files of the United Nations Secretariat.

of Europe since the Renaissance: for when medieval Christendom militated against the heathen, the heretic and the Saracen (Arabian, Moorish or Turkish), or when Islam warred upon the unbeliever as such (the Kaffir, as they called them all), that, as long as it was irrespective of race, fell outside the true definition of racism. And of that the ancient world, of course, seemed virtually innocent, as the consensus of authority holds today.

The original impulse of European expansion was of course economic and arose simply and purely from the desire to reach and tap the legendary wealth of the Orient. It was this impulse which, by its eastward probe, led to the foundation of a Portuguese, a Dutch, a British Empire in the Indies, and by the westward presented Europe with the unforeseen but momentous by-product of the "New World". That new world was rapidly filled with colonies avowedly planted, under the then prevailing ideas of mercantilism, for the economic benefit of the mother countries. This demanded the productivity of the colonies. But the two continents and their adjoining islands were in the earlier stages settled mostly by those fleeing, some from the persecution meted out to religious dissenters, but the great majority from want, pure and simple, to seek, and often to make a fortune as planters or overseers, to live, as the common phrase went, like lords or at least like gentlemen, to sit in Parliament, or its equivalent, and generally ape, in the colonies or at home, the style and pretensions of their social superiors. To this scheme one indispensable prerequisite was labour in its cheapest form - that of slave or indentured labour, as was then commonly believed. The latter was supplied from Europe, for a time; until it was found to be not nearly as cheap as slave labour. The former, slave labour itself, was exacted first from the original Indian inhabitants until they were in some cases exterminated by the cruelty of the system; and after that from Africa. For it had been discovered as a by-product of the eastward probe that the supply was readily obtainable from that source by the supply to Africans, or the use on them, of flintlocks, powder and shot.

Thus was inaugurated the notorious slave trade across the Atlantic accompanied by those systemic atrocities which made it, after the persecutions of anti-Semitism, the second or third great crime against humanity. The defence of that crime fed into the stream of human thought the earliest of those rationalizations and stereotypes, of those pernicious myths and false doctrines, which still to a large extent sustain the disease and danger of colour racism. A new genre, with a new literary tribe, now enters the literature of mankind - the publicists and apologists of slavers, slave-holders and slave-trading - D'Azurara in the fifteenth century, John Hawkins in the sixteenth, Bardot and Bosman in the seventeenth, Snelgrave in the eighteenth, and all the rest, nearly all of them actors and participants in some part or other of the traffic and the institution.

This was a phase of modern history which lasted roughly from the middle of the fifteenth to the middle of the nineteenth century. Throughout those 400-odd years it was that dominant economic motive, in plain language the motive that the dropouts of particular societies, and a relatively few others holding the relevant vested interests, might be greatly and quickly enriched by the input of tobacco to our pipes and a lump or two of sugar to our coffee - it was for this reason and this only, that great atrocities were repeatedly inflicted upon millions of human beings marked out by the colour of skin, and as repeatedly justified on that ground, and others cognate to it - a bombardment of poisonous ideas which, sustained over four centuries, could not

but leave the deep and lasting marks of its ravages on the human mind. The sense of proportion is outraged by the very idea. But if the fundamental motives and final objects were economic, they were achieved in the New World through a political and legal régime which was considered a necessary condition. It provided the political muscle and legal sanction for the flagrant and massive denial of human rights to particular races, it was no less visible than the economic motive it subserved, its monstrosity cried out no less for justification, and the attempt at justification injected as virulent streams of venom into the thinking of mankind. For these reasons, like any other political or legal régime which facilitates and safeguards the economic exploitation of a race, like the political framework of apartheid today, it must be classified among the political causes of racism and racial discrimination, whether we choose to regard them as secondary or activating or efficient causes.

The type of racism just considered was an invention of settler communities living among, but outnumbered by, the victims of their economic exploitation, and it remains to this day their distinguishing mark, or that of their descendants. One of its earliest manifestations may be found in the behaviour of the earliest colonists of the New World towards the indigenous Indian population who gave them their first welcome, and among whom they first settled (Appendix 1 gives the vivid description of the perceptive Comte de Tocqueville). Another instance may be found in the following outburst of a sixteenth century settler in the Spanish trans-Atlantic dominions, against the same population. The Amerindians in his view were "lazy, filthy pagans, of bestial morals, no better than dogs, and fit only for slavery, in which state alone there might be some hope of instructing and converting them to Christianity". This was a mere 60 years after Colombus himself had reported in glowing terms that they were "a loving uncovetous people, so docile in all things that there is no better people or better country. They loved their neighbours as themselves and they had the sweetest gentlest way of speaking in the world, and always with a smile". The transformation in attitudes may be astounding, but is adequately accounted for by the violent subjugation - extermination even, in places - of the Amerindians during the intervening half-century; and of course by the need, already noted, of the added insult to justify injury.

It was, however, mainly against the enslaved African population, in places like Haiti and the Carolinas well outnumbering their oppressors, that the denial of every political and human right was made explicit in positive law. The Codes Noires (Black Codes) laid it down in black and white that the unfortunate bondsmen should be "incapable of possessing anything except to the use of their masters"; that they should be saleable like chattels, except when, between the ages of 14 and 60, they were tied to the soil like serfs. In the words of Wilberforce, "they were in the contemplation of the law not persons, but mere chattels". In places their murder was until 1820 or thereabouts, not a capital offence. They could appear before no court as witnesses, let alone as jurymen, nor indeed in any other capacity than as criminals. On some islands, in the words of one Government commissioner as late as 1822, no man, or set of men had the legal power to call the slave-holder to account for working his slave as long as he liked, for whipping him as much as he pleased, for chaining or starving him. As for his spiritual welfare, that was left to dissenting sects like Methodists and Moravians, themselves already suspect and often persecuted; for in the words of George Canning, the Church of England "was no more calculated for the Negro than for the brute beast who shares his toil".

Originally the African servitor in the New World did not markedly differ in condition from the indentured servant, European or Amerindian. The steps by which his condition was converted and reduced to that of the life-servant and chattel, by which negritude and slavery became in America terms synonymous and virtually interchangeable, may be easily and clearly traced in the enactments of colonial legislatures during the century from 1630 to 1730, approximately.

By 1652, legislation in Rhode Island was endeavouring to check, by fines, the growing practice of turning indentured servants, especially the Africans, into slaves for lower production costs, and greater profit. By 1661, the Virginian House of Burgesses ruled that servants, if Negro, should be perpetual slaves as well, even if, as often happened, the father was European. The offspring would follow the servile condition of the mother. By 1663, the legislature of Maryland followed suit, but with this difference, that where, as often happened to their great annoyance, the mother was a (free) European, she would follow the servile condition of the spouse or mate till he died, while the offspring followed the servile condition of the father, period. This refinement, though, had to be abandoned (1681) when those planters with an unusually keen nose for profit began to enforce such unions on their indentured female servants, in order both to lengthen the term of their service without cost, and recruit still more slaves from their descendants. The rule was rapidly adopted by Maryland, and other colonies, that offspring should now follow the condition of the mother. By 1667, Virginia, negating English common law, ruled that baptism could not emancipate, and Maryland again followed suit in 1671, as did other colonies between 1706 and 1712. Manumission was made more difficult. The murder of a slave ceased to be a capital offence in Virginia in 1669, North Carolina enlarged this to a general and absolute power over the Negro bondsman, South Carolina to an even larger potestas, a virtual omnipotence under a constitution and code devised by no less and none other than John Locke, the very philosopher whose writings on political and religious freedom contributed so much to the avowed principles of the Founding Fathers. The final pronouncement of the series was the statute of South Carolina in 1740: "... all Negroes, Indians, Mulattoes, Mestizios, and all their issue and offspring born and to be born shall be, and are hereby declared to be, and remain forever hereafter, absolute slaves, and shall follow the condition of the mother, and shall be claimed, held, taken, reputed, and adjudged in law to be chattels personal".

Such was the régime which led eventually to the situation in the 1830s when, as it was said, the treatment of slaves in the Carolinas was one in comparison with which West Indian barbarity was mercy and mildness.

Meantime, by 1680, Virginia had introduced pass laws, and restricted gatherings for festivals and funerals, had prohibited the carrying of any arms whatsoever, any clubs, any staffs, had made even unarmed self-defence a severely punishable offence, and resisting recapture, a capital offence. And in 1705, the same colony prohibited - in addition to popish recusants - convicts, Negroes and Negroes' descendants to the third and fourth generation from testifying in court or holding "any office ecclesiastical civil or military" or "any position of trust or power" within its boundaries. This law created the political tradition which was to defy all contrary amendments of the federal constitution right down to the 1960s and 1970s. By studying this process in the early self-governing colonies of settlers, one may clearly see constructed step by step, in its crude, primitive but essential form, the very

political system developed into "white supremacy" and apartheid in later self-governing colonies of settlers like Rhodesia and the Union, now the Republic, of South Africa - based on the economic exploitation of a race and the systematic violation of its human rights, safeguarded by its civil and political disfranchisement.

Thus, the earliest source of modern racism, constituing one distinct type, sprang from the clash of settlers' interests with those of indigenous populations, from settlers' attempts to solve labour problems by the worst forms of slavery aimed at a particular race, and from the political and legal safeguards of that system, as well as the attempts to justify it. Somewhat later another fruitful source, also of a political nature, arose from a different type of colonialism - the empires created or acquired in the East Indies themselves which may be regarded as the archetype of modern colonial imperialism. Here, the trader and administrator, later the concession hunter and the miner, and the like, birds of passage rather than settlers, were the instrusive element. But under this régime too, the ubiquitous economic motive was safeguarded by subjecting indigenous populations to various forms and degrees of political disability. On them, monopolies and monopsonies, tariffs and taxes, were imposed with inadequate representation or none whatsoever, to maintain the very armies of occupation, the very means of their own subjection, to ensure the administration and monopoly of those chartered companies which had wrested the ascendancy from all competitors.

Thus, the first fifty years of the British East India Company's rule were notorious for a system of plunder by the Company's servants which the reforms attempted by men like Clive scarcely interrupted for any significant length of time. Then followed a half-century of outright conquest, a period when under doctrines like that of Dalhousie - the "Doctrine of Lapse" as it was called - whole provinces lapsed, by annexation or confiscation. Racial resentments culminated in the bloody revolt of 1857 known in imperial histories as the Indian Mutiny, suppressed with atrocities no less bloody. Quite clearly, then, the "Indian Mutiny" was essentially, like the more successful Haitian uprising 50 years before, a racial conflict, provoked not merely by the eight years of Dalhousie's administration but, more fundamentally, by a hundred years of racial domination during which all Indian soldiers were incarcerated in the lower ranks, made often liable to wholesale executions and like all other Indians were excluded, despite parliamentary admonitions, from positions of trust and authority; while Indian potentates were treated after the summary and cavalier fashion of arbiters and conquerors; and all for the greater dividends of the company, where it was not for the rapid enrichment of its servants.

The sharp racial conflict left the inevitable legacy of vengeful bitterness, of arrogance on the one side and resentment on the other, in the race relations of India, right into the twentieth century; while in Britain itself, Victorian society, shocked and shaken, turned more racist than ever before or, at any rate, acquired yet one more lobby, a particularly strong and strident one, of jingoes and racists. In India at the turn of the century, the new spirit, or the old spirit newly reinforced, still breathed in the dictum of Herbert Kitchener: "However well educated and clever a native may be, and however brave he may prove himself, I believe no rank we can bestow on him would cause him to be considered the equal of the British officer". Previously, (the 1880s) under the liberal viceroyalty of Lord Ripon, a bill had been introduced to place British and Indian magistrates on a footing of

equality in the civil courts. This had provoked a furious campaign against the Viceroy, with protests to the Imperial Government pointing out the threat to the white man's prestige, should any European be tried by an Indian magistrate. The bill had had to be duly modified. Then, in 1919, the massacre under General Dyer's orders of some 400 Sikhs, men, women and children, whose peaceful gathering had been prohibited in Amritsar, provoked the horror and indignation of liberal opinion in England. In the words of Sir Keith Hancock, the imperial historian "... the racial exclusiveness and arrogance of the English community (in India) were a root cause of the Government's troubles".

The Amritsar shootings and humiliations of 1919 uncovered an abyss of racial insolence and racial resentment which threatened catastrophe to the great design which the British Government had dared to plan in 1917. General Dyer, the officer responsible for the shootings, affirmed before a commission of inquiry that his object had been not merely to disperse a dangerous crowd, but to produce "a sufficient moral effect from a military point of view, not only on those who were present but more especially throughout the Punjab". This was the doctrine which the British had denounced as Prussianism. "Are you going to keep your hold on India", cried Mr. Montague (Secretary of State for India), in the House of Commons, "by terrorism and racial humiliation and frightfulness?". "Would Englishmen dare", demanded Lord Birkenhead in the House of Lords, "to apply General Dyer's principle in Winnipeg?". "British rule", he pleaded, "could not stand for one set of principles in Great Britain and the Dominions, and for another set of principles in India". But, the House of Lords did not agree with him. General Dyer was subjected to discipline, but became a martyr - hero to a section of the press, a large faction in the House of Commons and a majority in the House of Lords. The agitation in the press and parliament of Great Britain, and the corresponding agitation in India, revealed depths of racialistic hubris and humiliation which made the platitudes of Imperial Conference oratory - India'a devotion to the King-Emperor, the Empire's noble mission of interpreting to each other the East and the West, and all the rest of it - sound like empty hypocritical humbug.

But these racial attitudes, be it noted, did not begin with the "Indian Mutiny". In all probability they both contributed to and were further inflamed by it. The arrogance was already inherent in the early tyranny of the Company's servants. A ruler of Bengal had been newly made by Clive; and in the memorable words of Macaulay: "The immense population of his dominions was given up as a prey to those who had made him a sovereign, and who could unmake him". The servants of the Company obtained, not for their employers, but for themselves, a monopoly of almost the whole internal trade. They forced the natives to buy dear and to sell cheap. They insulted with impunity the tribunals, the police, and the fiscal authorities of the country. They covered with their protection a set of native dependants who ranged through the provinces, spreading desolation and terror wherever they appeared. Every servant of a British factor was armed with all the power of his master; and his master was armed with all the power of the Company. Enormous fortunes were thus rapidly accumulated at Calcutta, while 30 million human beings were reduced to the extremity of wretchedness. They had been accustomed to live under tyranny, but never under tyranny like this. They found the little finger of the Company thicker than the loins of Surajah Dowlah. Under their old masters they had at least one recourse: when the evil became insupportable, the people rose and pulled down the government. But the English Government was not to be so shaken off.

"That government, oppressive as the most oppressive form of barbarian despotism, was strong with all the strength of civilization. It resembled the government of evil Genii, rather than the government of human tyrants. Even despair could not inspire the soft Bengalee with courage to confront men of English breed, the hereditary nobility of mankind, whose skill and valour had so often triumphed in spite of tenfold odds. The unhappy race never attempted resistance. Sometimes they submitted in patient misery. Sometimes they fled from the white man, as their fathers had been used to fly from the Mahratta; and the palanquin of the English traveller was often carried through silent villages and town, which the report of his approach had made desolate."

Throughout the nineteenth century, from beginning to end and not just in its latter half, are found ever more clear symptoms, ever more explicit indications of the racist outlook. In 1818, a mere five years after the House of Commons rose and uncovered to receive Warren Hastings, appeared the first of those disparaging histories of India which acquired the status of standard authorities throughout the century, and which formed and shaped the notions of the young Englishmen destined to rule the Hindu with an iron hand. "Their laws and institutions", writes J. Mills, the author, "are adapted to the very state of society which those who visit them now behold, such as could neither begin, nor exist, under any other than one of the rudest and weakest states of the human mind. As the manners, the arts and sciences of the ancient Hindus are entirely correspondent with the state of their laws and institutions, everything we know of the ancient state of Hindustan conspires to prove that it was rude". "The most prominent vice of the Hindus", writes Elphinstone in 1841, "is the want of veracity, in which they outdo most nations even of the East". Mountstuart Elphinstone was regarded in his time as one of the most outstanding, most enlightened administrators in the service of the East India Company. But if an attitude like his seems surprising, what is one to make of Macaulay, who, with his abolitionist parentage and background, with all his talents, his liberal Whig sympathies, his hatred of persecution and tyranny, returns from his spell of Indian administration with an unveiled and almost unrelieved contempt of Hindus, of the "black inhabitants of Bengal" as he calls them, of their nature and habits, of their literature, their science, their entire cultural heritage. On the other hand, he calls his own countrymen "the hereditary nobility of mankind". ... "What the Italian is to the Englishman, what the Hindu is to the Italian, what the Bengalee is to other Hindoos, that", he wrote, "was Nuncomar (the victim of Hastings' foulest collusion) to other Bengalees". And yet the Indian who, pursuant to Macaulay's own written directive, took to English letters was scornfully derided and dismissed as a "Babu".

V.A. Smith, the last great historian of the century, emphasized "the inherent weakness of the greatest Asiatic armies when confronted with European skill and discipline" and prophesied the inevitable relapse of India into political chaos, which had been her normal condition except for rare intervals, "if the hand of the benevolent despotism which holds her in its iron grasp should be withdrawn". This foreshadowed the equally false forecast of the then Viceroy, Lord Curzon "My own belief is that the Congress is tottering to its fall, and one of my greatest ambitions is to assist in its peaceful demise": but to revert to the point. Macaulay's attitude, obviously, was dictated partly by his considered and brilliant defence of Clive and Warren Hastings, by the need to show their colonial administration in as favourable a light as the circumstances would permit; that of the other historians, just as obviously by their championship of the British Raj.

Further east than India, China and Japan were forced open to Western trade, and obliged to capitulate to the imposed condition of exterritoriality, with special privileges and immunities from the law of the land for resident Western traders. Palmerston, in particular, insisted that China should open its doors to the import of opium (instead of silver) to redress its favourable balance of trade with Britian. "Now", wrote the great foreign minister to the Chinese Emperor, in 1840, "as the distance is great which separates England from China, and as the matter is of urgent importance, the British Government cannot wait to know the answer which the Chinese Government may make to these demands ... The British Government has therefore determined to send a naval and military force to the coast of China to act in support of these demands". The demands were duly complied with. Both China and Japan sank rapidly to a status termed "semi-colonial", their nationals were singled out for humiliating restrictions on immigration into America and Australia, and even within their own countries they tended to be treated as "coolies" by resident foreigners. The Western triumph and sense of achievement was well expressed by the Earl of Caernarvon, when he wrote (1854) "In China, which already employs beneficially between thirty and forty million of our commercial capital, a gigantic Empire is crumbling away to give fuller and freer scope to Anglo-Saxon energy and enterprise". But the resulting racial resentment was to have its repercussions long after.

Already, arising from these victories and no doubt in partial justification of measures so high-handed and so unethical, a new racial attitude towards China began to emerge in the mid-nineteenth century. The image of China in the West changed from that of a great, ancient and rational civilization whose very difference made it useful to philosophers and social critics as a kind of foil to the West. The "Chinaman" was now surnamed or nicknamed John, stereotyped as the coolie and no more the mandarin, and now and then lampooned in offensive jingles, such as appeared in Punch in 1858.

"With their little pig-eyes and their large pigtails,
And their diet of rats, dogs, slugs, and snails,
All seems to be game in the frying pan
Of that nasty feeder John Chinaman.

Sing lie-tea my sly Chinaman,
No fightee, my coward John Chinaman,
John Bull has a chance - let him, if he can
Somewhat open the eyes of John Chinaman."

The analysis of M. Bernal is worth quoting.

"From 1839 - when the British went to war to protect their opium trade from an official Chinese ban - until the end of the century, Britain, France and the other 'Powers' made successive attacks on China to extract more and greater concessions. The need to justify these actions and exploitations, the real social breakdown in China itself largely the result of European pressure - together with the general racism and 'return to Europe', were the forces that led to a transformation of the Western image of China. From being a model of rational civilization China became seen as a filthy country in which torture and corruption of all sorts flourished. With obscene irony, the Chinese were especially blamed for their consumption of opium. De Tocqueville, writing in the 1850s, found it incomprehensible that the 18th century physiocrats should have had such an admiration for China."

Japan's riposte to this type of assault, however, was rapidly to modernize its society, and economy, inflict a stinging defeat on one European Power, play an active and victorious role in the ensuing world war, and finally demand, unsuccessfully though, the principle of racial equality for all members of the League of Nations. Accounts of the Paris Peace Conference differ as to who was, or who were, responsible for that refusal, and what may have been the underlying motives. According to one (Bailey, American) the Japanese resented American discrimination against their emigrants and fought tenaciously for a statement favouring racial equality in the Covenant of the League of Nations. Wilson favoured the proposal, but London frowned upon it. Fearing its effect on their millions of restless subjects in India and elsewhere, British spokesmen threatened to stir up the yellow press in America against such a concession. Wilson thereupon used his influence to defeat racial equality when the final vote was taken. The more violent Japanese journals attacked him viciously as a "hypocrite" and a "transformed Kaiser".

According to another authority (Roberts, British) the fault was not really on Britain's part. The measure, supported by Wilson, had been defeated by the pressure of another non-European State, Australia, on the British Government. A third authority (Manning Clark, Australian) appears to admit as much and writes:

> "Hughes [the Australian Prime Minister], was just as pugnacious and effective in ensuring that the Covenant of the League of Nations did not contain a clause that would bind all members to promise equality of treatment to all other members." "From such behaviour," he slyly adds, "the delegates might have inferred that the aim of the war had been to keep Australia white, rather than those high-minded aspirations summed up in the 'fourteen points'."

Thus one explanation suggests that the principle of racial equality was rejected by the architects of the League of Nations from the fear that it would undermine the basis of imperialism - which if true shows how vital to that imperialism was the racist assumption, the justifying myths; and both explanations imply another reason, the fear that such a principle would throw open the floodgates to an influx of oriental immigrants into America and Australia, an instance of a different type of racism, the xenophobic and exclusive, to which we will revert later.

But imperialism in the Far East, as elsewhere, draws on yet another principle of justification - the superiority of Western over Eastern and other civilizations, of the young and dynamic, over the old and effete, of the living over the dying. Lord Caernarvon says nearly as much. By a perversion of Darwinism the weakest must go to the wall, and justice becomes, as Thrasymachus said, the interest of the stronger, or, at best it is a <u>mission civilisatrice</u>, essentially good for the subject or semi-subject races. For "civilization" in this context read "The Industrial Revolution and its Advantages". Just as the ring which conferred the ability to vanish gave Gyges the secret of power, so the industrial revolution gave those to whom its secrets were entrusted the key to world dominion. Those recent technological discoveries, turning tables on Asia, created illusions of racial grandeur. That the phenomenon was but recent, that it rested on a foundation and a whole heritage which were in fact cosmopolitan, all this was either unknown, or ignored or denied. Racial explanations of the new phenomenon, as indeed of all history, become orthodox, and phrases like the "subject races" the "inferior races", came into vogue.

When evolutionary Darwinism failed to explain why the master races were so long and late in coming into their own, all sorts of quasi-metaphysical doctrines appeared, and a "north-westerly path of civilization" or of a "World Spirit", or whatever, was invoked when the accumulated excess profits, or loot, of empire, metallurgy, the fortunate proximity of both iron and coal, with the resultant steel, might have given a more obvious and more intelligible explanation. Alternatively, it was maintained, against the weight of all the evidence, that the master race, or some section or branch or variant of it, had always been in the forefront of all human progress.

These developments largely prelude the final onslaught of imperialism on the African continent. Mixed with that prelude was one additional feature relevant to the wider question of the political origins and causes of racism; and this was, the action of the political lobby. There was an interval of some 80 years between the first abolition of the slave trade and its virtual abolition in actual fact (or the contemporaneous partition of Africa). That interval was notorious for the rearguard action, the last-ditch stand, the sustained backlash, of all those with any kind of stake in the dying system. Among those were the holders of vested interests in the Caribbean, whether resident in the islands themselves, or in the European metropolis. In the 1820s they obtained the services of an English periodical as their mouthpiece - John Bull, the very weekly whose attack on Jewish relief was so brilliantly answered by Macaulay (Essay "On Jewish Disabilities"). As the campaign grew stronger against the institution of slavery, in the West Indies as elsewhere in the British Empire, this organ of the slave holding lobby grew proportionately more virulent, vilified Wilberforce and his "sordid, undermining, calumniating, libelling Saints" with all their works, the Sierra Leone experiment, free labour, free Blacks, and all. After the abolition of slavery in the British Empire, the extraordinary fulminations of Carlyle against the "Demerrara Niggers" as he called them, of Carlyle and Trollope against the free labour of "Quashee" and "Sambo" (their nicknames for West Indian Blacks) and of Carlyle, Trollope and Froude against their political enfranchisement, spread far and wide in Britain the notion of a servile race unfit for the vote, and sounded remarkably like the voice of the West India lobby. Both Trollope and Froude had, of course, paid visits to West Indian hosts in planter society of the islands. While Britain was treated to these fierce diatribes, the policy of settling in Sierra Leone the West Africans rescued from slavers was superseded by that of shipping them to the West Indies - perhaps as " indentured labour" for the planter society.

In Britain the Foreign Enlistment Act of 1870 made it an offence punishable by fine, forfeiture, or imprisonment for an unspecified time to assist with naval forces, or to enlist in the service of any belligerent at war with a State with which the Crown was at peace, or to induce or assist others to do so without the licence of the Crown. This legislation resulted from enormous damages which the British taxpayer had to pay to the Government of the United States, for losses inflicted during the American civil war through the enthusiastic action of British subjects, professed neutrals, in the cause of the slave-holding South.

The question must arise whether a development of such significance was merely a spontaneous reaction of British subjects, or the achievement of the Southern lobby.

After the war, an African patriot of acknowledged brilliance Dr. James Horton, published his "West African Countries and Peoples" and wrote at the very beginning of his preface

> "It must appear astounding to those who have carefully and thoughtfully read the history of England in connection with the subject of the African race, when its greatest stateman, so long ago as 1838, stated in Parliament the endeavours his Government had been making to induce the various continental and transatlantic ones to put down slavery, that the abolition of that institution in the Southern States of America should have produced so much bile amongst a small section in England; who, although they have had undeniable proofs of the fallacy of their arguments, and inconsistency of their statements with existing facts, have formed themselves into an association (sic Anthropological Society) to rake up old malice and encourage their agents abroad to search out the worst possible characteristics of the African, so as to furnish material for venting their animus against him. 'Its object', as has been stated, 'is to prove him unimprovable, therefore unimproved since the beginning, and, consequently, fitted only to remain a hewer of wook and drawer of water for the members of that select society'. It would have been sufficient to treat this with the contempt it deserves, were it not that leading statesmen of the present day have shown themselves easily carried away by the malicious views of these negrophobists, to the great prejudice of that race."

The vice-president of this anthropological Society (modelled on another recently formed in Paris) was no other than the celebrated explorer, Richard Burton. Of him Horton writes:

> "Even Captain Burton, the noli me tangere of the African race, the greatest authority in the present school of English anthropologists (their vice-president), who, from his writing, has led everyone to believe that he has a fiendish hatred against the negro, whilst animadverting in all his works on Western Africa, in the most unmistakably malicious language, on the impossibility of improving that race he so hates, forgot himself in one place, and exclaimed, as to their intellectual superiority, 'There are about 100 Europeans in the land; amongst those there are many excellent fellows, but it is an unpleasant confession to make, the others appear to be inferior to the Africans, native as well as mulatto. The possibility of such a thing had never yet reached my brain.'
>
> 'At last, in colloquy with an old friend upon the Coast, the idea started up and after due discussion, we adopted it. I speak of morale. In intellect the black race is palpably superior, and it is fast advancing in the path of civilization'." (Emphasis Horton's)

One curious and interesting feature is that Burton's negrophobia was but recently acquired. It appears in full virulence in his "Wanderings in West Africa" in 1863 but is hardly visible in the narrative of his East African explorations in 1856 where he often paints a possibly somewhat romanticized portrait of the African. The interval, and possibly the transformation are accounted for by a visit to the United States which took him as far as the headquarters in Utah of the negrophobe mormons - resulting in his work the "City of the Saints" (1861). He then went to West Africa as

British consul in Fernando Po, the scene of his negrophobic effusions, a post he left in about 1864, to appear soon after as vice-president of that group whose genesis, activities, and motivation have been sketched above.

The sequence of events and the circumstantial evidence certainly suggest the speculation - and it is as yet no more than speculation: that the action and propaganda of Burton and his anthropologizing associates derived much of their inspiration from the Confederate South, that they formed in fact an agency, if not a part and parcel of a Southern political lobby. (A more contemporary instance of this type may be found in the public declaration of one Liberal member of the Australian Parliament in the late 1960s that he was "a member of the so-called Rhodesia lobby and proud of the fact". There was also an active South Africa lobby at the time).

Such then, was the prelude to the final onslaught of the new imperialism which, from a political point of view must be regarded as the last great tributary to the stream of racism, and of which the principal, though not the sole, target was the African continent. The stream of racism was of course well swollen already by this time, and the scramble occurred in a general world context marked by a post-Reconstruction backlash which, especially in the Southern states was prolonged, violent and often criminal; by the recrudescence of a racist anti-semitism throughout Europe; and generally by a racial exclusiveness and chauvinism which made itself felt everywhere. The precipitating cause of the scramble seems to have been primarily economic. Britain, the pioneer of modern industrialism, having abandoned the mercantilism of previous centuries was now wedded to liberal notions of free trade, feeling confident that it could outsell any competitor anywhere.

The later industrializing competitors in Europe, not feeling any such confidence thought of carving out protected markets for themselves. As the Burtons and Stanleys uncovered the great waterways and access routes into Africa the inevitable manoeuvres to stake out claims led to a rush to pre-empt, eventually to political partition. In self-defence, Britain had to jettison her economic liberalism. It was the last casualty to the new-protectionism, but a casuality it was, and the panic and stampede for territory became general.

The rules of the game were devised at the Berlin Congress of 1885/1886: By then the notion of the benighted continent had been well disseminated, not only by the earlier slavers and anti-abolitionists but, more recently, by explorers like Stanley, that Welsh product of the Confederate South. The concept of the territorium nullius, traditionally applied to the benighted - the territory of those regarded as not having international personality - proved extremely useful as a legal foundation for the scramble, provided the territorium nullius could be shown to have been effectively occupied. Effective occupation could be proved in two principal ways. There could be treaties of "protection" respresented as such to the other contracting parties, the local rulers, or native chiefs, as they were more commonly termed. But the true legal standing of such arrangements have been more clearly defined, by one authority on international law, thus (Baty)

"Protection was also to afford a form for dealing with the tribes of Africa who enjoyed, not a different civilization, but no civilization. Their chiefs entered into treaties of 'protection' (sic) which not only amounted to the resignation of all independent status, but are universally recognized as such ... Either an African protectorate means nothing, or it means annexation". (This was the mode of "effective occupation" by which Zambia, Malawi, the Solomon Islands, and many other such, came to lose their former sovereignty.)

The other mode of effective occupation was of course the military, although in actual practice the two methods were by no means exclusive. At the time of the Berlin conference the breach-loading, smokeless repeater rifle was in common use as one mark of civilization, the now obsolete forerunners having been scrapped, but eventually sold by enterprising third parties, at an enormous profit, to African and other armies. Three years later, (1889), Hiram Maxim added his machine gun to the civilized armoury and in the following year the supply of such modern weapons to African armies was effectively precluded by the Brussels Act, for the suppression of the Arab or Turkish Slave Trade.

The result was the situation described by Hilaire Belloc:

"Whatever happens we have got the Maxim gun, and they have not."

Within the 20 years from 1890 to 1910, the warriors of the Sudanese jihad, the Mahdists, the rulers of Sokoto, the armies of Samory Toure, the regiments of Lobengula, the insurgents of the Ashanti monarchy, guerrilla forces of resistance, and large numbers of civilians all went down before repeater rifles and Maxims aimed by a relatively few companies of African askaris and their European captains and majors. The casualties were, needless to say substantial, and, with one accord, Africa was "pacified", "effectively occupied," as well as partitioned.

On ethical grounds alone the ensuing system, no less than the manner of its emplacement, cried out for some sort of explanation. But, first what were the characteristics, of that system? There were general characteristics; and there were special ones, depending on whether a territory had or had not a "settler" population. The non-"settled" territories tended to be miniatures of the older established empires imposed on the East. In most Government administration succeeded to that of the chartered company, and in the economic sphere that administration was generally of a laisser faire kind. Metropolitan commercial interests pressed, successfully in most cases, for sweeping and profitable concessions in mining and forestry, for land expropriations and large plantations at the expense of the "natives" (successfully resisted nowhere outside British West Africa). Giant commercial conglomerates, supported by an expatriate and expatriate-oriented banking system, and drawing on the metropolitan capital markets rapidly eliminated all local competition, and thus greatly added to their profits by extracting and repatriating all those of the middle-man sector. With a few honourable exceptions, the policy of colonial administrations, which were almost entirely financed by the taxation of its subjects, was to exclude them from positions of trust in the interests of a racial élite, to maintain their total or partial disfranchisement for smoother administration, to ensure by duress direct or indirect the supply of their cheapened labour, and generally to give a low priority to their educational and social advancement.

Those territories with settler societies - the colonial society properly so called - may be regarded as typologically the direct descendants of the earlier prototypes in the Americas, and, like those, present the most intractable problems of racism. These are the societies which exterminate, marginalize or dominate indigenous populations, and in Africa there is hardly one instance of that type of colonial situation which has terminated without an armed struggle.

Algeria, Kenya, Southern Rhodesia, Angola, Mozambique, Namibia all exemplify this pattern. This is so because to the features of the colonial situation already indicated, which they share with all the rest of colonial Africa, but which in their case, are found in their extreme forms, there is added a diehard intransigence, a determination to conserve the profitable status quo, to defend their vital and only stake by a fight to the last ditch. They are, therefore - not unlike the anti-abolitionists, their exact analogues - more than ordinarily fertile in ultra-rightist groups, underground or overt, in external political lobbies, in all the shifts and expedients of stubborn and desperate resistance, and in the spread of those rationalizations which depend principally on the denigration of their victims, on the insult added to injury. Of the few surviving instances of this type the politico-legal system of apartheid, even if apparently on its last legs, remains the most notorious and is, of course the classic example. (Of its characteristics Appendix II gives a fuller sketch.)

Colonialism is not only a racist system in itself it has the ineradicable tendency to feed back rationalizations and justifications of itself into the society of the imperial metropolis, there to create or reinforce a racist mentality. The classic example is that cited by E.D. Morel in 1909 concerning the Congo enterprise: "Never was wealth so demonstrably the produce of systematized evil-doing. There were none of the intermediate stages which confuse issues and defy detection by the difficulty of tracing cause and effect. In this case cause and effect were separated only by the extortion of the raw material from the natives, accompanied by wholesale massacre, and by every species of bestial outrage which diseased minds could invent, then the unloading of that raw material upon the Antwerp quays, and the disposal of it on the market ... The Belgian people thus became, de facto, although not de jure, identified with a system of colonial government recalling, but surpassing the worst example of medieval history. To a people wholly ignorant of the problems incidental to the government of coloured races the African was represented as a brute beast, with no rights in his soil, in his labour, in his person. And this pestilent doctrine was popularized by a mechanism of financial, political and press corruption which for comprehensiveness has seldom been equalled, and which bit deep into the national life of Belgium. It was a double wrong, upon the people of Congo, and upon the people of Belgium".

The instance may appear extreme but gives nevertheless the essential model to which other instances may be referred; and if it differs from them in degree it certainly does not differ in kind. Examples could be multiplied. The atrocities of the Belgian Congo exposed by Roger Casement and others are paralleled by those of the French Congo revealed by Rene Maran and Andre Gide.

While Colonel Jameson (of the later Jameson raid) attacked King Lobengula's villages with Maxims and cannon, Captain Voulet and Lieutenant Chanoine laid waste those of Niger with weapons hardly less

devastating. Almost everywhere, not just in German colonies, forced labour and flogging took their toll: the "Indigenat" placed arbitrary and summary justice in the hands of the most junior Commandant du Cercle and pacification, as in the Ivory Coast, generally meant the decimation of civilian populations. And so on ad nauseam. Of East Africa in 1880 Earl Gray reported:

> "The coloured people are generally looked upon by the white as an inferior race, whose interests ought to be systematically disregarded when they come into competition with their own, and should be governed mainly with a view of the advantage of the superior race. For this advantage two things are considered to be especially necessary: first, that facilities should be afforded to the white colonists for obtaining the possession of land theretofore occupied by the native tribes; secondly, that the Kaffir population should be made to furnish as large and as cheap a supply of labour as possible."

Such was the system. As regards its justification the instances follow equally the Belgian model. The colonial administrator, (a governor of Kenya) writes: "Bloodstained misery, hopeless poverty, brutish pagan life". This is in contrast with the portrayals by both Burton and Lugard before the establishment of empire in their respective areas. "Without writing and therefore without history", exclaims the adoring biographer of the empire-builder Lugard. And yet she, the biographer, must have read Lady Lugard's work on the medieval empires of the Western Sudan.

In one sweeping generalization characterized by a magnificent disregard for accuracy, a former governer of Nigeria, Lord Milverton, thus presents the argument against the ending of colonialism in Africa:

> "... The African has had self-government. Until about 50 years ago he had had it for countless centuries, and all it brought him was blood-stained chaos, a brief, insecure life, haunted by fear, in which evil tradition and custom held him enslaved to superstition, hunger, disease, squalor and ruthless cruelty, even to his family and friends. For countless centuries, while all the pageant of history swept by the African remained unmoved - in primitive savagery."

The suggestion that the civilized architects of Zimbabwe could have been Africans was once enough to stir up a bruhaha in the parliament of the Central African Federation; and we have already noted the action, in Australia and elsewhere, of the political lobbies of apartheid and white supremacy.

Attempts have of course been made to refine and improve upon the cruder defences of colonialism. Kipling speaks of the "White man's burden", Lugard of the "Dual Mandate". But Kipling's notion, in the context of the American acquisition of the Philippines, was that the white man had a duty to the "new caught peoples, half devil and half child". Lugard struggled with the curious concept of the self-appointed trustee promising to admit his ward, when adult, to an equal share with himself in the inheritance. Neither idea seemed totally satisfactory, both appeared to imply that the "subject races" had the mental age of children, which only served to confirm the racist assumptions at the basis of imperialism. The notions of racial superiority thus fostered also appealed, of course, to those in the lower strata of society, for whom the additional - and still lower - pecking order may have been a psychological necessity.

Metropolitan societies in Europe do not seem to have been normally the originators of racism, apart from the Jewish question. Their literature shows little sign of it before what is termed the expansion of Europe, from which era it begins to feature a continual and systematic defamation of other, and usually darker, races; and this is easily perceived as the result of the harmful feedback from "the colonies", the real inventors. It is, generally speaking, this pernicious reflux of ideas from the colonial situation, old and new, which has given a peculiar twist and direction, as well as a pathological intensity, to that exclusiveness, which may be merely the expression of the personal amour propre at the group or national level, and which, in a relatively harmless degree, naturally inheres in every human society. But this has now been turned into an exclusive force of a malignant type. In the northern and western States of the United States of America something of the kind worked temporarily against each successive group of European immigrants during the last century; longer still against oriental immigrants; longest against the earliest immigrants of them all, the Africans. In Britain initially, and subsequently elsewhere in Europe, exclusiveness of this type has been badly exploited by politicians of a well recognized brand, by what Lord Wilson once called the "virus of Powellism", and has eventually found expression in immigration laws which specially disfavour immigrants from the third world. (Appendix III studies this type of situation in somewhat more detail.)

It is true, of course, that colonialism is now fast receding into history. Its last remnants, the apartheid system, the Southern Confederate politico-economic tradition, appear to be fading out. But the colonial era has already acted on the metropolitan societies for four centuries, far too long not to have left its "secondary deposits", which are dangerous. Most of the notions which were spawned out of that phase of history have turned out to be scientifically worthless. But although such constructs, mere fabrications, are nearly all demolished, the rubble and debris are still left cluttering the avenues of advance to better things. They had better be cleared out of the way, before they get somehow recycled.

How real the danger still is may be perceived from the following instance, culled from a British fashion magazine (Pat Garratt's feature on pre-school children, SHE August, 1990):

> "By the age of three, children not only distinguish between skin colours but also give different values to them. Unless they are told otherwise they may learn from peers, the media, even grandparents that light light skin is 'better' than dark. Almost a quarter of infant teachers in one study said they had heard children expressing extreme racial stereotypes, such as 'Pakies stink' or 'Darkies live in mud huts'. If we want to rear a racially tolerant generation, then we have to start early. Jane Lane of the Commission for Racial Equality says you should not adopt a 'colour blind' approach. 'Try to put across a positive message about equality rather than a neutral one, which is implicit in such phrases as 'Everyone is the same underneath'. Though well-meaning, this denies the very real difference and pride of those of other cultural identities. She suggests that you:
>
> 1. Talk honestly about racial differences. Tell your child that skin colour is inherited like hair and eye colour. 'You could use it as an excuse for discussing geography, genes and suntan'.

2. Choose books, toys and games that mirror today's multi-ethnic society."

Thus racism is a disease, an epidemic not yet controlled, which still attacks even at the stage of infancy through the adult carriers of the colonial legacy, the rubble and debris of the past. The danger is that we may rear and perpetuate generations brought up on exploded yet still persistent and pernicious racial stereotypes, to form the electorates and the juries which ultimately determine both the shape of legislation and its working in the law courts.

That, surely, is the core of the problem today. It may be possible to tackle its various aspects by measures of a practical nature. The remnants of colonialism can be made to disappear, in the political sense. Apartheid may collapse. Its advocates and lobbies, and those of all other forms of racial dominion, can be discountenanced, their activities legally banned. The voting rights of minorities can be more effectively safeguarded against the use of force or fraud. The human rights aspect of discriminatory immigration laws can be more closely examined. Crimes against humanity and other atrocities in race relations can be prosecuted under appropriate legal arrangements, their perpetrators pursued with justice, and prevented from infiltrating security organizations elsewhere, or finding other cover. The underground and other activities of rightist extremists displaced by the whole process of decolonization can be more vigilantly monitored and frustrated. The administration of justice, of legal judicial and jury systems, of law enforcement forces, can be examined with a view to improving their racial impartiality in operation. Special measures, both international and domestic, may be framed against any return to Nazism. Appeals to racist sentiment or racial exclusiveness for political purposes may, it is just possible, be legally banned. In fact such measures are suggested for consideration. But there will be no guarantee that any improvement they may effect will be anything more than temporary, as long as the myths and stereotypes, the rubble of the long colonial era, the secondary deposits, are left in place, as they had been in the tragic case of the Jewish Diaspora.

- - - - -

SOCIAL AND CULTURAL FACTORS CONTRIBUTING TO RACISM AND RACIAL DISCRIMINATION*

by

Dr. Purificacion Valera-Quisumbing

The task assigned to me is to introduce the discussion on social and cultural factors contributing to racism and racial discrimination. From the outset it must be clear that there is an inherent difficulty in isolating one type of factor from others. And in the field of human rights it is not always clear where social rights end and where cultural rights or economic rights begin. We must also keep in mind that complex phenomena such as racism, racial discrimination and apartheid can hardly be explained in neat compartments of causes and effects.

In preparing for this presentation, I discovered that much effort has been previously given to this field, both within the U.N. system and outside of it, including among academics and NGOs.

That then could we purposefully contribute so that our discussions carry the dialogue one small step forward? I suggest to do the following

1. Briefly remind us of the major findings of previous studies and meetings;

2. Recall to mind some actions taken in the U.N. system and context;

3. Look at current developments and trends and see if the general direction we have thus far taken requires major adjustment or fine tuning; and

4. Finally, we can then consider some suggestions on what specific actions could be taken toward the eradication of apartheid and all forms of racial discrimination.

---

* Background Paper, U.N. Seminar on Political, Historical, Economic, Social and Cultural Factors Contributing to Racism, Racial Discrimination and Apartheid, Geneva, Switzerland, 10-24 December 1990.

I. What are some major findings on racism?

A. On science and race:

1. The concept of race has no scientific basis. This sums up the philosophy and conclusion of the UNESCO symposium held in Athens in 1981. The participants included highly respected authorities - genetic experts, biologists, psychologists, sociologists and anthropologists. Their objective was to examine the various pseudo-scientific theories invoked to justify racism and racial discrimination. Their conclusion was categorically stated: "to call upon science to provide a foundation for racism is quite simply fraudulent".

2. Dr. Albert Jacquard explains it clearly: For a human group to constitute a 'race', it must be possible and it is not possible to define it in terms that go beyond ephemeral individuals of which it is composed. Its specific characteristics must have permanence such that the group remains identical from generation to generation. This is scientifically impossible and improbable; modern scientific advances have the capability to prove this.

3. To be a racist is to despise another because he belongs to a particular groups ... defined on the basis of different criteria: skin colour, language, religion, genetic or cultural heritage. Racism arrives at the conclusion that these distinctions justify a hierarchical order of superiority; apartheid institutionalizes this premise and builds a legal regime upon it.

4. The symposium concluded with a recommendation that the premises of racism be soundly, systematically and scientifically challenged - everywhere, to everyone, all the time. The key lies in education, information and communication.

B. On racism and eco-social conditions:

If science offers no basis, why the phenomenon of racism or racial discrimination in various forms and degrees?

5. History teaches us some lessons. Some social scientists have asserted that the economics of slavery came first. The racial component, that is, that enslaving the black or colored person was not wrong (or unchristian) because he/she was not really a person or at least a lesser being, came later. Color prejudice was only a convenient rational for economic greed. In other words, as Eric Williams put it, "Causes of and reasons for slavery were economic and not racial". (Capitalism and Slavery, p. 19).

In this connection, it is worth recalling some findings and conclusions of participants at a UN Seminar on "Political, Economic, Cultural and Other Factors Underlying Situations Leading to Racism Including a Survey of the Increase or Decrease of Racism and Racial Discrimination". (Nairobi, Kenya, 19-30 May 1981). The following are worth noting:

6. Economic factors could be considered the infrastructure of racism and racial discrimination, and cultural factors the super-structure. Economic and social factors were the root causes of racism and racial discrimination. Economic greed backed up by theories of cultural supremacy as well as by legislation imposed and perpetuated unjust structures.

7. Racism led to the destruction of indigenous cultures.

8. Deprivation in the field of education and training are closely identified and interlinked with the maintenance of discrimination in the economic, social and cultural fields. Misuse of the information media and the presentation of false images of groups, including the dissemination of stereotyped views, hampered normal communications among different groups and contributed to racism and racial discrimination.

9. Racial prejudice is not inborn but was acquired from the beliefs and structures prevailing in a social group. Citing the studies of H. Santa Cruz which stressed the importance of the economic, social and cultural aspects and manifestations of racism and racial discrimination. (Santa Cruz, Racial Discrimination), the group agreed to devote their discussion on these factors.

10. Mixed societies constitute fertile atmosphere for racism, but in itself are not productive of racism. It was the dominance of one of the racial groups over wealth and the means of producing wealth, together with the desire of that dominant group to maintain its economic advantage through force, physical or otherwise, which led to racism.

11. Economic privilege, not colour prejudice, was said to be the basis of the legislative colour bar in South Africa.

12. Existing economic imbalances of the international level had a disastrous effect at the national level. The existing unjust international economic order and the existing unequal division of labor in the world reenforced systems of discrimination.

13. The right to development must be recognized as a

human right.

14. The control of people over their natural resources is important for the eradication of prejudices and discrimination stemming from economic inequality at the international level.

15. There is a lack of "social indicators of equality". This needs to be addressed to provide a measure of the degree of improvement decline in the level of well-being of population groups.

16. As regards cultural roots of racism, a very important factor was the tendency of dominant population groups to engage in attempts to destroy the cultures of others by denying them their cultural identity or to assimilate them into their own culture.

Now to continue with the results of the Athens symposium. The scientists had some assertions that bear examination here. Let me cite some for our discussion:

17. Power being re-enforced by economic, slavery and racism became part of the system-legal, political, social and cultural.

18. Studies conclude that colonial exploits of European powers in the 16th and 17th centuries produced the early beginnings of slavery. But the more recent 18th century exploits were more extensive and pernicious.

19. There are other social scientists who hold another school of thought on the causal relation of racism and economics. They assert that economics do not create racism; rather, it is racialism that uses economics to justify the injustices and oppression it exerts over dominated groups. (Abdelwahab Bocehdebo, Racism and Economic and Social Conditions, UNESCO, pp. 125-132). For example, the economic causes of Nazism and Fascism were merely attempts to find explanations and to identify the "true" culprits, and the centuries-old prejudice and hatred of the Jews became convenient.

20. Irrespective of cause-effect variations, there is unanimity among scholars that economic and social factors lie at the core of racism and racial discrimination.

21. Recession, economic difficulties and latent or fully declared crises tend to provoke flare-up of racial tensions. Today the "Jews can be migrant workers or any given minority".

22. Slavery, serfdom, apartheid and discrimination

against migrants are but variants of one and the same situation. Racialism is simply an expedient for the continued exploitation of a cheap, docile labour force incapable of defending itself.

23. Emigration has attendant racist phenomena. Industrialized countries are perfectly aware that they would be incapable of running their economies without the decisive contribution of foreign laborer, it has never occurred to them that their foreign workers should be given the same rights as nationals.

24. Factors affecting immigrant labor force include domestic social equilibrium, the flow of capital, distribution of investment, social welfare costs, production costs, profit percentage.

25. Immigration constitutes an "emergency reserve". By definition, the immigrant worker can occupy only a marginal position in the host society - willing to take on the hardest and most unpleasant tasks in return for low wages.

26. During economic crisis when there is attendant widespread unemployment, immigrants refuse to leave. Economic and social tensions increase and effects nationals and foreigners alike.

27. What is generally not understood or appreciated is the fact that migrant workers enable them (the host societies' workers) a minimum level of employment. Were they to leave in large members jobs at other levels of the production system which are held by nationals would be eliminated... Competition is not really significant because openings are not the same.

28. But in areas of housing, social welfare and demand for consumer goods there is real competition and discrimination is more likely to occur.

29. When one speaks of structural economic situations that encourage racial hatred, what counts is not the objection but the subjective interpretations given to it. Hence, the crucial role of mass media, social, economic and cultural institutions, political parties and the intelligentia.

30. Racism plays on the ambiguity of human situations. It is not poverty that produces marginality, it is marginality that creates differences and is at the origin of all forms of discrimination. The proof is that marginal groups can succeed but still not be accepted, in fact this produces jealousy and new barriers, for example the following: Bakatiari in Iran, Asians in East Africa, Syro-Lebanese in West Africa, Indo-Chinese in the Indian Ocean, Asians in the

United States of America and Europe. These are constantly faced with hostility of the dominant or autochthonous groups.

31. The question was raised on whether "racial" barriers are spontaneous and natural means of defense which appear whenever a certain "threshold" in the percentage of "minority elements" in a society has been exceeded. The UNESCO group of scientists agreed that this threshold theory is actually quota politics and is an unacknowledged segregation.

C. On Apartheid

Apartheid being the extreme manifestation of institutionalized racism deserves specific attention. This is especially so in the light of some recent developments and some apparent dynamic change in South Africa.

As a framework for our discussions, I wish to summarize some cogent points raised at a seminar on the topic organized by the Special Committee Against Apartheid in Hungary. (International Seminar on Racial Ideologies, Attitudes and Organizations Hindering Efforts for the Elimination of Apartheid and Means to Combat Them, Hungary, 9-11 September 1985). The participants made the following observations:

32. South Africa's apartheid regime was sustained and assisted by continuing economic cooperation of some Western countries, particularly the United States, Israel and some European governments and business enterprises.

33. International media played both negative and positive role.

34. The criminal nature of apartheid must be projected and stressed.

35. Racism has a cruel, bloody history in Southern Africa, citing the 1904 genocide against the Herero people in Southwest Africa (now Namibia) which reduced the Herero from 80,000 to 15,000. This came as a result of the decision of the major colonial powers of the time, which met in Berlin in 1884-1885 and carved up Africa among themselves. (Opening Statement of Mr. Guannadi I. Gudovenko, Acting Chairman, Special Committee Against Apartheid).

36. Mr. Gudovenko reminded the participants that the problem of settler colonialism and racism in South Africa took on a serious form since 1948 when the Nationalist Party, espousing apartheid, come to power

on the votes of the entrenched racist domination. During the Second World War, the Nationalist Party voted against fighting Hitler. During the Cold War, however, the Party gained the collaboration and support of major Western Powers by offering plans to arrest liberation in Africa.

37. He poignantly pointed out that during the long night of humiliation of Africa and the black person under the colonial system, there was an attempt at the destruction of the African personality ... The black experience led to the development of a vision among black people - a humanistic vision - to which, among others, Dr. W.E.B. Dubois gave expression and one shared by many enlightened white people.

D. Some Conclusions

In general, the following conclusions can be drawn from various meetings on the subject of apartheid, racism and racial discrimination:

38. Lack of respect, or acceptance of, the inherent dignity and humanity and equality of all human beings is the common denominator underlying all situations of racism and racial discrimination.

39. Among major causes/manifestations of racism are:

a. Group's claim to pre-eminence or superiority;

b. Economic exploitation or privilege;

c. Continuing inequality of economic opportunities serving as social and economic medium for racial discrimination;

d. Cultural arrogance and destruction of indigenous cultures;

e. Psychological factors, such as the imposition of modes of behavior and thinking;

f. Pseudo-scientific theories of racial superiority;

g. Slavery, particularly the exportation of slaves to the New World. (Slavery practised by Africans against Africans was not the same as that practised by Europeans against the black man which was most evil and dehumanizing);

h. Religion has been misused to serve as vehicle for the spread of racism;

i. The practice of racism and racial discrimination can be overt, subtle or institutionalized. Apartheid is the most extreme form;

j. Education had a central role in eliminating obstacles facing disadvantaged groups;

k. Foreign mass media and information media were being misused and geared towards distortion of African images. News items were framed in a discriminatory manner and the african people were portrayed in inferior postures. This led to the dangerous situation of stereotyping human groups, and disrupting the normal flow of communication among them.

l. Recourse procedures to redress race-related human rights violations are inadequate, in the national, regional and international levels. Victims must have access to these procedures.

II. What has the U.N. done to address social and cultural factors of racism/racial discrimination?

40. There is no time in this forum to make a detailed or even a comprehensive summary. In fact, I have not found any systematic report on the impact of U.N. actions on social and cultural aspects of racism. Suffice it to say that the question of racism or apartheid has been the subject of U.N. consideration from its very inception - initially in the context of the right to self-determination and decolonization. Discrimination being the negation of human rights and fundamental freedom, this was the subject of provisions in the U.N. Charter, the Universal Declaration of Human Rights and the Covenants on Civil and Political, Economic, Social and Cultural Rights.

41. Several major discrimination/race-related conventions predate the U.N., including the Slavery Conventions of 1926 as amended and the 1953 Protocol to it; The Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery. There were also notable conventions on labour adopted by the International Labour Organization (ILO). The ILO must be commended for its early contribution to anti-discriminatory practices where it counted most - in the work place.

42. The U.N. General Assembly declared the First Decade to Combat Racism and Racial Discrimination and subsequently a Second Decade. Each Decade had a Programme of Action. Our meeting is part of the

activity.

43. More specifically, the centerpiece of U.N. actions and international law on racism/racial discrimination is the Convention on the Elimination of All Forms of Racial Discrimination (CERD). Unfortunately, the supervisory body created under the CERD has been hampered by severe budgetary constraints.

44. Many meetings and seminars including global consultations on racism, have been convened in various regions of the world.

45. The Commission on Human Rights and its Sub-Commission on Prevention of Discrimination and Protection of Minorities have considered this issue in all their sessions. It continues to receive highest priority in their agenda.

46. In the human rights machinery outside of the Commission and the Sub-Commission, the issue is addressed in a sustained manner, by the Commission on the Status of Women, the Committee on the Elimination Racial Discrimination Against Women and even the Committee Against Torture. A special Group of Three established under the International Convention on Suppression and Punishment of the Crime of Apartheid meets annually to consider periodic reports submitted by States Parties on the legislative, judicial, administrative, or other measures that they have adopted to give effect to the Convention. The Group reports to the Commission on Human Rights and gives recommendations.

47. The U.N. Secretariat provides the continuity in all these activities. The Centre for Human Rights is the Secretariat Unit of the U.N. mostly concerned with human rights questions.

48. Earlier, it was noted that redress procedures for race-related human rights violations are perceived as inadequate and inaccessible. But we must point out what is available, i.e. communications processes, special procedures, special rapporteurs, independent experts and working groups.

49. The U.N. system cannot be described without mentioning the vital race of NGO's, without whose participation the human rights system could hardly work.

50. The U.N. Specialized Agencies must be given special commendation for their direct contribution in addressing cultural and social factors and aspects of racism and racial discrimination. Here the work of UNESCO, UNICEF, WHO, ILO, FAO - is of particular

significance in their respective fields.

III. What suggestions can be put forward to facilitate future work to combat cultural and social aspects of racism?

1. Education and mass media and information activities must be intensified. U.N. budgetary support must be given to this commitment. The UNESCO program on "Literacy for All" must deliberately incorporate anti-discrimination components, or equality concepts. Corollarily, the contemporary language and cultural imperialism must be acknowledged and then deliberately and honestly addressed.

2. Recourse procedure must be now refined and popularized, in order to make justice accessible to all.

3. In this connection, the de-centralization of U.N. human rights institutions/bodies must be seriously considered as soon as possible. Activities must move out of the confines of New York, Geneva, Vienna and Paris. Regional arrangements for human rights protection must be strengthened/assisted. Meetings of treaty bodies could meet in various regions to promote awareness of human rights universally.

4. Empowers each and every child, woman and man; reach down to the grass roots. This is the logical and ultimate goal of social and cultural strategies against racism and racial discrimination.

5. Monitoring mechanism at the national and subnational levels, down to the grass roots, must be encouraged because education without fulfilment would only do more to erode the spirit of individual/group freedom and integrity. Frustration will only set back efforts to eradicate racism and discrimination.

6. Prepare through wide consultations/meetings the agenda on racism to be included in the World Conference on Human Rights scheduled for 1993 and its preparatory Committee which is scheduled to meet in September 1991.

Let me end this paper with the wisdom of an African leader who closed the Nairobi seminar in this words: "I have not come prepared to make only in depth observations. However, I know what discrimination of various forms - political, economic, cultural and even ethnic - feels like from the receiving end". (Statement by His Excellency Dr. Munyua Waiyaki, Minister of Energy, Kenya).

For those of us who have felt discrimination, we need no definition of terms - we know it well. I know it, my daughters know it. Every Filipino, every Asian, or Latin American, who is singled out for humiliating interrogation at immigration lines in Europe and the U.S.A. is painfully aware of it. The migrant worker knows it, feels it. Laws will help, but ultimately it is the heart that must change.

Documents and References:

1. A/45/552, 2 October 1990 - Adverse Consequences for the Enjoyment of Human Rights of Political, Military, Economic and Other Forms of Assistance Given to the Racist and Colonialist Regime of South Africa.

2. A/45/18, 28 September 1990 - Report of the Committee on the Elimination of Racial Discrimination.

3. A/C.3/45/1, 21 June 1990 - Report of the Economic and Social Council: Report of the Open-ended Working Group on the Drafting of an International Convention on the Protection of the Rights of All Migrant Workers and the Members of Their Families.

4. U.N. Human Rights Fact Sheet No. 9, The Rights of Indigenous Peoples, 1990

5. U.N. Human Rights Fact Sheet No. 5, Programme of Action for the Second Decade to Combat Racism and Racial Discrimination (Global Consultation on Racism and Racial Discrimination held at Geneva from 3 to 6 October 1988. A Summary), 1989.

6. U.N. Human Rights Fact Sheet No. 2, The International Bill of Rights, 1988.

7. E/CN.4/1989/35, 20 December 1988 - Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination. Annual Report on racial discrimination submitted by the International Labour Organization in accordance with ECOSOC resolution 1588 (L) and General Assembly resolution 2785 (XXVI).

8. E/CN.4/1989/34, 19 December 1988 - Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination.

9. U.N. Human Rights Fact Sheet No. 1, The Human Rights Machinery, 1987.

10. E/CN.4/1987/17, 8 January 1987 - Question of the Realization in All Countries of the Economic, Social and Cultural Rights Contained in the Universal Declaration of Human Rights, and Study of Special Problems which the Developing Countries Face in Their Efforts to Achieve These Human Rights. Status of the international Covenants on Human Rights.

11. A/AC.115/L.634, 31 January 1986 - Report of the International Seminar on Racist Ideologies, Attitudes and Organizations Hindering Efforts for the Elimination of Apartheid and Means to Combat Them. (Siofok, Hungary, 9-11 September 985)

12. UNESCO, Racism, Science and Pseudo-Science Proceedings of the Symposium to examine pseudo-scientific theories invoked to justify racism and racial discrimination, Athens, 30 March to 3 April 1981.

13. ST/HR/SER.A/7 - Seminar on Political, Economic, Cultural and Other Factors Underlying Situations Leading to Racism Including A Survey of the Increase or Decline of Racism and Racial Discrimination, Nairobi, Kenya, 19-30 May 1980.

Two years after United Nations consultations on racism and racial discrimination: some new aspects (experiences in the USSR)

Working paper prepared by

Rais A. Touzmohammad

1. This new Seminar is of great significance, especially from the political and chronological viewpoints, for it comes during the twentieth anniversary year of the Committee on the Elimination of Racial Discrimination. It seems to me, however, that there is another point that is no less important: the Seminar is taking place at the end of the Second Decade and two years after the Global Consultation on Racism and Racial Discrimination held here in Geneva under the chairmanship of Mr. Jan Martenson, Co-ordinator for the Decade and United Nations Under-Secretary-General for Human Rights. That Consultation, as we know, summed up the experience of the five years of operation of the Decade and provided the United Nations system and the world in general with important conclusions and suggestions that were subsequently approved during the thirty-seventh session of the Committee on the Elimination of Racial Discrimination. They were found vital for the successful completion of the Second Decade. At the same time, the Global Consultation gave grounds for thinking that the Second Decade may be followed by a Third Decade so that the fight against the evils of racism and the widening spectrum of problems of racial discrimination is still further intensified and becomes more concrete in the wake of the development of world-wide processes in this sphere.

2. It seems to me that our Seminar is also significant for another no less important reason, namely that considerable changes have taken place in the world even since the Global Consultation. East-West relations are no longer confrontational. A period of dialogue has been initiated between the two super-Powers and the countries of East and West. These States have engaged in joint efforts to resolve regional conflicts. Following this year's Soviet-American declarations of the ending of the "cold war" and the corresponding steps by the major Powers, the world is with more justification than before, seeking to stabilize international relations of security and co-operation for the benefit of all States and peoples. There is abundant evidence of this in various aspects of human existence, and not merely in the radically changing continent of Europe.

3. The two years of swift change in the world that have elapsed since the Global Consultation have also affected the situation as regards racism and racial discrimination. Yet, although international conditions have seemed favourable for the combating of racism and racial discrimination, the development of positive trends has been far from even.

On the one hand, there have been a number of important positive developments in southern Africa. The victory of the liberation movement in Namibia, the emergence from the underground of the African National Congress in South Africa, the commencement of dialogue between Pretoria and the ANC and the growing stratification of the white population on the question of the criminal system of racial segregation have dealt heavy blows to apartheid.

On the other, these positive developments have created both subjective and objective opportunities for outbursts of bloody skirmishing between the Zulus and supporters of the ANC, between members of a population seemingly suffering identically from apartheid.

4. This trend is not confined to southern Africa. It has become the general rule, what might be called, by analogy with the sea, the "ebb-tide rule": when the tide ebbs, the reefs that were being hidden by the flood emerge. At the basis of this rule lies an obvious psychological characteristic of the socio-political development of human society when that society moves from the general to the particular (before again, on a new basis, beginning to move from the particular to the general, from analysis to synthesis).

5. With respect to racism and racial discrimination, this rule has manifested itself in international life by, for example, the fact that the list of objectives of the struggle against the evil of racism has been growing in recent years as new aspects of that evil have come to light. Its impact was already felt at the Global Consultation in 1988, in particular in the report by the Co-ordinator, Mr. Martenson, and in the Conclusions and suggestions from the meeting (see, in particular, Conclusions and suggestions 12, 15 and 16 in Human Rights Facts Sheet No. 5, p. 18); in the 1989 study by Mr. Eide, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, entitled "Study on the achievements made and obstacles encountered during the Decades to Combat Racism and Racial Discrimination" (E/CN.4/Sub.2/1989/8); and in the 1990 report of the United Nations Secretary-General on implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination (E/1990/20 and Add.1); it is also apparent in the agenda for our Seminar ("vulnerable groups").

Every one of these very important documents deals not only with apartheid as an obvious manifestation of racism and racial discrimination, but also with the situation of indigenous peoples, migrant workers, minorities and refugees.

6. There is no denying that in the past two years these problems - the problems of minorities, refugees and indigenous populations - have arisen or grown sharply worse both in the countries of eastern Europe (principally Yugoslavia, Romania and Bulgaria) and in the USSR. Having arisen as a result of the general process of glasnost and democratization, they might seem to be purely internal problems.

However, given the rapid development of the interdependence of the States and peoples of the world and the consequent swift formation of a body of international law of human rights of individuals and peoples (the Vienna Concluding Document was one of the latest landmarks in this process), it is also perfectly possible to see these internal circumstances and facts as involving the sources of contemporary international law, beginning with the fundamental principle of the equality and self-determination of peoples.

7. The international impact of these Soviet and east European problems is particularly tangible in the political sphere, if only because the worsening of the problems is not merely hindering the process of democratization, which began in that sphere, but also constitutes a serious threat to stabilization within those countries and, consequently, to consolidation of international peace and security on a new foundation of allowance for, and balancing of the interests of all States and peoples.

8. On the whole, the emergence and worsening of these problems both in the USSR and in the east European countries is, it seems to me, a consequence of the "ebb-tide rule". The falling of the "tide" of totalitarianism and its replacement by democratization have uncovered the previously hidden "reefs". Experience has shown that, by and large, the leadership in these countries was not ready for this. Nor, after being downtrodden by the totalitarian system, were the social sciences fully prepared for these events.

9. This has been and still is being brought home to us particularly acutely in the USSR. The protracted tragedy of the Armenian-Azerbaijani conflict, with its focus in the problem of Nagorno-Karabakh, an autonomous region with a majority Armenian population in the union republic of Azerbaijan, is widely known. Another problem known in the West is that of minorities, indigenous populations and refugees connected with the declarations of independence by the three Baltic republics and Moldavia.

It is also known that the central authorities at first could find no other way of dealing with these new processes than of opposing them, including by punitive measures (the tragic events in Alma-Ata in December 1986, in Tbilisi in April 1989, and so on).

10. Relatively little is known about what has been happening in Central Asia this year. To analyse those events, which began in February in Tadzhikistan 1/ or in June in Kirgizia (and Uzbekistan), 2/ we shall use mainly the historico-social method employed in the 1988 report of the Co-ordinator, Mr. Martenson, and in the 1989 study by the Special Rapporteur, Mr. Eide.

I shall dwell briefly on these two examples for one purpose only: to try to reach conclusions applicable on a wider scale to the combating of racism and discrimination at and from the bottom, to resisting discrimination "the wrong way round".

11. Where, then, does the primary historico-political cause of the events in Tadzhikistan and Kirgizia lie? Firstly, in Stalin's arbitrary redrawing of the political and demographic map of what used to be known as Turkestan or, more precisely, of that part of this geographical area that tsarist Russia seized in the nineteenth century. This process, which began with the signing of the treaty establishing the USSR in 1922 and helped on by the so-called national-territorial demarcation of 1924, was essentially completed with the adoption of the 1936 Constitution, which established the present boundaries of the four Central Asian republics and of Kazakhstan (although minor territorial changes, again made without any attempt to find out what the inhabitants wanted, occurred later). Thus, for example, the current Osh oblast (region), inhabited principally by Uzbeks, found itself in Kirgizia. Secondly, in the centre's ignoring of what it had itself proclaimed, namely the equality of the republics. This took the form, in particular, of the centre's planting in local administrations of its own people, generally brought in from other parts of the Union. This prepared the ground for the success of nationalist and racial propaganda among the masses, particularly when living conditions deteriorated. Thirdly, in the raising from among the local peoples of an élite entirely dependent on the leaders at the centre. This divorced the élite from its own people and made it easy for any extremist opposition to rally the disgruntled masses around itself under nationalist slogans.

Fourthly, as the central organs of power were situated in Moscow, the capital of Russia, there was always a risk that dissatisfaction with the central authorities would extend to the Russians. What is more, the Russians are not only another ethnic group, but another race.

12. Where, however, do the deeper roots of the problem lie? In the present-day socio-economic situation of the peoples of Central Asia. Although they have shared the fate of the other peoples of the USSR, they have ended up in a worse position. The local press attributes this to the failure by the leadership of republic and Union to take into account historic cultural traditions: a high birth rate, attachment to the land, etc., to the imposition of flawed farming technology (the exaggerated use of chemical fertilizers) and to lopsided specialization in agriculture (cotton-growing).

The press, including the semi-official press, has given varying explanations for what happened in Tadzhikistan in February 1990: nationalism; the activities of "Muslim extremists"; an alliance of desperate members of the "rural lumpenproletariat"; clan warfare. The prime cause, however, would seem to have lain in the situation described by the newspaper Komsomolskaya Pravda on 14 September of this year, in the fact that:

> "In this Republic of five million inhabitants, some 650,000 people are unemployed, most of them in the villages. Of the total population, 65.1 per cent lives below the poverty line. Again, most of the destitute are to be found in the countryside. Ninety-seven per cent of rural women have some kind of disease and sick women give birth to a sick nation ...
>
> These terrible figures are still valid and the area is not immune from further flare-ups. Each one will have an ethnic tone, if only because the overwhelming proportion of these ill-fated country folk are Tadzhiks".

Situations of this kind are open to exploitation by any organized opposition movement.

A further unfortunate result of the conflict is that the Republic, where infant mortality is extremely high (and not just by Soviet standards), is losing doctors. For example, in the first five months after the "February events", 1,300 doctors and hospital nurses left the capital, Dushanbe, alone, and one third of them were paediatric specialists (information from the weekly Nedelya, 1990, No. 36, 3-9 September).

In the Osh oblast of Kirgizia, the socio-economic picture is basically the same. Thus, in this region, no more than 50,000 people, or some 20 per cent of the population, have a permanent job. This has to do with the fact that over 70 per cent of the ruling Party hierarchy are people of Kirgiz nationality and they hold the reins of power. The population, however, is made up in the same proportion of Uzbeks (who even number 84 per cent in the town of Osh). They are the masters in the sphere of "trading capital" and other types of "business". Komsomolskaya Pravda would seem to have been justified in writing on 22 September that, against the background of the general economic and socio-political crisis in the Union and the Republic, "the corrupt part of the Party hierarchy [Touzmoukhamedov: in Osh] meshed with the commercial and industrial mafia. But now they have fallen out: in the face of perestroika dictated from above, they have not divided up power. The squabbling 'friends' have begun to appeal to their respective peoples".

13. In both the cases mentioned above, as in others elsewhere in the USSR, the consequences have included the emergence of refugees, the exacerbation of the problem of minorities (in the cases in question, ethnic and linguistic minorities) and the practical (and painful) posing of the problem of "indigenous peoples". These problems have arisen against a background of racially and ethnically discriminatory phenomena or out of fear that such phenomena will occur. The main causes have been the social and economic deprivation of the indigenous population and the inability (or unwillingness) of the authorities at both the Union and republican levels to take timely action to remedy the situation.

And all this after 70 years of dinning into people from their schooldays that there is "fraternal friendship between the peoples of the USSR" and that "the nationalities question has been resolved" and despite the presence in the constitutions and laws of the Union and the republics of anti-racist and anti-nationalistic rules confirming that people and citizens are equal irrespective of, inter alia, their race or national origin. In other words, in the law, in the official propaganda and in the oral and written education there have been no shortcomings.

14. What do these new and regrettable experiences in the USSR show? That racial and ethnic sensitivities are deeply rooted in the human psyche. They are easily aroused. Particularly in cases of social and economic deprivation. To combat them is merely to intensify them. Teaching and publicity alone can do little to help.

However, these sensitivities can be counter-balanced. The starting point has to be the social and economic development of the people or individual injured (or considering itself or himself injured). Only as a result of such development can a people or individual feel truly equal to others. Furthermore, the development, 3/ after beginning from a material basis, must lead to strengthening of the self-awareness and pride of the people or individual concerned. Only a racially and ethnically proud person is capable of understanding the representative of another race or nationality and looking at his own affairs and position through the eyes of that other person, i.e. of being guided by the "principle of otherness" and not by self-centredness. Only in this way, by material and then intellectual means, and not by propagandistic "instruction" or by the imposition of one's "ego" is it possible to neutralize the negative reaction of natural sentiment to racial and ethnic community.

This, incidentally, is why, given the present-day circumstances in the USSR, one can say that racial and ethnic cataclysms are entirely possible in our country, and in the very near future too.

15. It would, however, be fundamentally unfair to see the present situation only in a negative light. At all levels of our Soviet society, in all the country's republics, the dangers are understood and people are striving to find positive solutions.

Even in the relatively short time since perestroika was introduced, all-Union and republican laws aimed at strengthening the measures to present discrimination on racial or ethnic grounds have been adopted; they include criminal legislation. Legislation has condemned as criminal the arbitrary decisions of the Stalinist era that led to the displacement of several of our country's peoples from their ancestral homes.

In legislative and executive organs from the highest levels of authority downwards, special subsections on inter-ethnic relations have been added to those that already existed.

The declarations on State sovereignty adopted by Union and autonomous republics (respectively 11 and 4 of them) on 1 September of this year have received widespread international publicity. Virtually every one of them contains a special mention of the obligation for the republic strictly to observe international law and the comprehensively protected rights of non-indigenous persons.

There will also be provisions of this kind in the new union treaty that is now being elaborated in the USSR Supreme Soviet and in the new USSR Constitution that will be drawn up on the basis of that treaty.

The new union treaty is also to provide a response having the force of law to the unsatisfied national and ethnic demands of the peoples of each of the more than 50 present-day ethnic areas within the Union.

16. At the same time, it is impossible to ignore the fact that no legal rule on such matters will have much effect (if, indeed, it has any value at all) until it is backed up by genuine action and change in the socio-economic sphere. People, particularly in areas with racially and ethnically heterogeneous populations, must have tangible proof of the fruits of the administration's efforts to get out of the economic crisis. A problem that is still below the surface in other regions of the world (Europe, Africa and so on) has already emerged fully into the open in the recent events in the USSR.

In this lies yet another aspect of the political and social topicality of the economic transformations in our country. Consequently, implementation of the economic reform programmes adopted in September of this year by the USSR and Russian Supreme Soviets is also vitally important for the stabilization of inter-ethnic relations in our country. This, in its turn, is bound to have a positive impact on the international situation.

17. The above very succinct and schematic description of a number of aspects of inter-ethnic relations in the present-day USSR will, I believe, add to the world-wide store of knowledge on problems of race and ethnic relations, including as regards the combating of racism and racial discrimination.

At the same time, bearing in mind the newness and acuteness of the inter-ethnic problems that have arisen in the USSR today with the upsurge of democratization, and with a view to studying them in order to channel efforts to resolve them in the right direction in the light of international experience, thought should be given to the holding in the USSR of an analytically- and practically-oriented international conference (seminar) under the auspices of the United Nations Centre for Human Rights.

Given the rapid pace of events in the USSR and elsewhere in the world, it would be sensible to hold such a meeting within the framework (i.e., before the end) of the Second Decade to Combat Racism and Racial Discrimination.

As regards subject-matter, the meeting might cover the various goals of the Second Decade, but do so in the light of the changes and problems characteristic of the situation in the USSR. To widen the interchange, it could also examine situations found in western Europe.

The agenda proper would be drawn up in the light of the Conclusions and suggestions of the 1988 Global Consultation on Racism.

The seminar might be held as close as possible to one or other of the regions where there is racial and ethnic tension.

Notes

1/ In autumn 1989, the Supreme Soviet of the Tadzhik SSR passed a law declaring Tadzhik (Farsi) to be the Republic's official language. Russian was recognized as having the right of "free operation within the territory" of the Republic. Even while the proposed law was still being debated, the population of the Republic began to split into two camps: the "native speakers" and the "Russophones". The result was that, in February 1990, in the Republic's capital, Dushanbe, and a number of other places, there were bloody clashes, with loss of life, pogroms and arson.

Outwardly, all is now calm. But in the first half of 1990 the Republic lost over 26,000 inhabitants (Komsomolskaya Pravda, 14 September 1990) and the exodus of the "non-indigenous" population has yet to cease. In this way the Republic is being deprived of skilled workers and administrators.

2/ In June 1990, in the Osh oblast of Kirgizia, which borders on the Audizhan oblast of Uzbekistan, there were bloody clashes between Kirgiz and Uzbeks. The casualties and damage were highest in Osh itself and in the district towns of Uzgen and Dzhelalabad. Komsomolskaya Pravda wrote on 22 September 1990, "The tragedy in the Osh oblast cost over 300 lives. A total of 411 dwellings, 54 shops and State institutions and 89 vehicles were burnt out. The damage suffered by the State amounted to over 85 million roubles". Unfortunately this casualty list is not complete; what is more, nobody has counted the damage suffered by individuals.

The other result of these events has been a sharp increase in migration. And it is not just a matter of Uzbeks leaving Osh oblast and Kirgiz leaving Uzbekistan. Russians, too, are leaving Osh oblast; more than 2,000 of them had gone by September (Komsomolskaya Pravda, 22 September 1990).

3/ I should like to say here how right the Special Rapporteur, Mr. Eide, was in drawing attention in his study to the special role of development and development law in the combating of racism and racial discrimination.

STATEMENT BY THE UNDER-SECRETARY-GENERAL

MR. JAN MARTENSON

TO THE UNITED NATIONS SEMINAR ON

POLITICAL, HISTORICAL, ECONOMIC, SOCIAL AND CULTURAL FACTORS

CONTRIBUTING TO RACISM, RACIAL DISCRIMINATION AND APARTHEID

Geneva, 14 December 1990

Mosnieur le Président,

Messieurs les experts,

Mesdames, Messieurs,

C'est pour moi un grand honneur et un plaisir d'être des vôtres aujourd'hui, dans ce séminaire de première importance pour les Nations Unies, un séminaire dont le thème n'est autre que la lutte contre la discrimination.

L'examen des causes du racisme, de la discrimination raciale et de l'Apartheid - qu'elles soient, politiques, économiques, sociales, culturelles ou historiques - représente en effet aujourd'hui une étape majeure dans le processus de paix et de respect des droits de l'homme, tant à l'échelle nationale qu'internationale.

Au cours des dernières années, des perspectives tout à fait nouvelles se sont dessinées dans le domaine des relations internationales, perspectives qui donnent un éclairage nouveau

et prometteur à notre action en matière de droits de l'homme. Certes, des tensions subsistent de manière dramatique en certaines régions, qui mettent en danger la paix et le respect des valeurs proclamées par la Charte : ces tensions ne doivent cependant pas nous faire perdre de vue les éléments extrêmement positifs que sont la réduction de la confrontation idéologique et le vigoureux renouveau du multilatéralisme, par le relais notamment des Nations Unies.

Ces éléments constructifs, auxquels il convient d'ajouter le retour de nombreux pays à la démocratie, ont d'ores et déjà eu un impact extrêmement positif sur les travaux des divers organes agissant dans le sens d'une meilleure protection et d'une plus grande promotion des droits de l'homme.
Tout observateur notera cependant que ce fléau qu'est l'Apartheid est toujours présent en Afrique du Sud, et que, dans certaines autres régions apparaissent des signes de tensions nationalistes, ethniques et raciales, ces mêmes tensions qui, il y a un demi-siècle, provoquaient un catacyclisme dont l'humanité se remet à peine.

Pour empêcher que ne se reproduise une telle tragédie, en Europe ou ailleurs, il faut qu'aujourd'hui nous agissions vigoureusement contre le racisme, la discrimination raciale et l'Apartheid : pour être efficace, cette action doit être basée sur une compréhension globale, et, si je puis dire, multidisciplinaire, des facteurs responsables.

Il est aujourd'hui évident que "prévention de la discrimination" est synonyme d'"affirmation des droits de l'homme universels". La lutte contre toute forme de discrimination est donc au coeur même de nos efforts. Et il faut redire ici que la discrimination basée sur la race, la couleur, l'origine ethnique ou nationale est sans aucun doute, l'une des plus abominables.

Le racisme demeure aujourd'hui un cancer virulent au sein de la communauté humaine. Dans les sociétés qui n'y prennent garde, il peut entraîner la marginalisation de groupes importants de la population, créant de sévères tensions et conduisant, le cas échéant, à des explosions sociales aux graves conséquences. Le racisme est une atteinte aux droits de tous, tant des victimes que, parfois, des bourreaux eux-mêmes. Toute société qui tolère le racisme contre certains de ses membres prend, de fait le risque d'une menace plus globale, pesant sur les droits de l'ensemble de ses membres.
De même, la communauté internationale ne peut tolérer le racisme, faute de quoi elle fait courir un grave danger à la paix et au respect des droits de l'homme à l'intérieur de chacun des Etats qui la constituent.

Since the very first years of the United Nations the policy of racial separation known as <u>apartheid</u> has been the object of increasing concern by our Organization. <u>Apartheid</u> constitutes the systematic denial to the majority of the population of South Africa of the most elemental human rights

inherent in human dignity. It also poses a very real and menacing danger for regional stability and peace. I am particularly struck by the use of law and the judicial system in South Africa to impose and maintain apartheid. Human rights, as we know it today, is based, in part, on the ideas developed in the 18th and 19th centuries that constitutions, the law, and the courts are the principal social institutions through which human rights, and especially the equality of citizens, are to be guaranteed. It is the exact contrary of such principles that those social tools should be used to oppress and deny basic human dignity and maintain ineguality. As long as apartheid is allowed to continue, the achievements of societies all over the world in guaranteeing human rights and equality through law will be endangered and no group will be completely free from the spectre of eventual subjugation to a similar system.

The system of apartheid is based on the illusion that the black people of Africa are some how inferior to the white population. Although this is manifestly absurd, the architects of apartheid devised a system of subjugation of the majority population designed to make it impossible for them to enjoy the essential elements of human dignity such as a family life, dignified work, and access to education, the hope of a better life for their children and basic conditions of life. With great courage, the people of South Africa demonstrated their inherent dignity through their continuous struggle against that system which gave the lie each day to the theories of the proponents of apartheid.

Mr. Chairman,

Human dignity, while the most revolutionary of concepts, is not the invention or creation of any one society, culture, philosophy, or religious approach to life. It is certainly not a 20th century invention. Rather, the imperative of respect for the dignity of the human person is visible in the traces of civilizations going back to the dawn of recorded history. The quest for a definition of the essential dignity of the human person and ways of ensuring protection for that dignity can be seen throughout the story of human kind in all great cultures, in all great religions.

Unfortunately, this search for human rights has not been the only thread in the tissue of human history, for often - far too often - man has invented and defended ideologies which attack the very essence of human dignity. The so-called "scientific racism" of the end of the 19th and beginning of the 20th century, which provided the foundations for the Nazi and Fascist régimes and was so deeply responsible for the unmitigated horrors of the death camps, is one example. Today, just 50 years after those dark days which seemed to many to herald the triumph of racism and the negation of human dignity, we are witnessing an unprecedented assertion by women and men in every corner of the globe of their fundamental human rights, in vindication of the United Nations' long labour in the field and of the sacrifices of those in the shadows and oppression of the 30s and 40s.

Although the struggle to provide recognition and protection to human dignity was essentially a national one until the founding of the United Nations in the middle of our present century, it did, from time to time, have international repercussions. Already in 1648, recognition was given in treaties to the principle of the equality of rights for Roman Catholics and Protestants. The abhorrent practice of slavery and the slave trade were, during the end of the 18th and beginning of the 19th centuries, the object of many efforts on the national level for their abolition. In 1815, the struggle against slavery and the slave trade was carried to the international level and resulted in the Eight Power Declaration on the duty and necessity of abolishing the slave trade. This agreement was annexed to the Final Act of the Congress of Vienna and stimulated other similar provisions in bilateral and multilateral treaties that same and in ensuing years.

The adoption of the Eight Power Declaration was the tangible fruit of a long and hard fought campaign, principally undertaken by British Anti-Slavery organizations, which demonstrated for the first time the contribution determined non-governmental organizations can make to progress in international affairs. Unfortunately, the Declaration and the treaties lacked effective enforcement machinery and the international community had to wait some 75 years, until 1890 - during which period the slave trade grew rather than diminished - for the European powers to agree in the Brussels Act to take measures to bring the slave trade to an end.

It was in search for a justification of slavery that its proponents developed the idea of "race" and the supposed superiority of one "race" over another. It is one of the tragedies of modern times that long after the abolition of slavery and the slave trade, its pseudo-scientific justification should still haunt mankind as a rationale for discrimination, racism, racial discrimination and apartheid.

The end of the First World War saw the mobilization of individuals and groups from many parts of the world, together with many nations seeking to establish an international system to preserve peace. Uppermost in the minds of many were human rights concerns, be they conditions of work, respect for the rights of minorities or the equality of all regardless of race. Undeniably, the negotiations in Paris in 1919 marked a step forward in bringing human rights concerns to the international level. Although the Covenant of the League of Nations contained no human rights provisions, the establishment of the International Labor Organisation, the bodies set up to deal with slavery, the mandate system and its promise of eventual independence for colonial territories and the protection of minorities - placed under the guarantee of the League of Nations itself - were surely important advances.

It was, however, with regard to the question of racial equality, one area in which the United Nations is today most active, that the League failed to respond to the hopes of many individuals and non-governmental organizations. In spite of

many efforts the Paris Peace Conference was not able to include in the Covenant of the League a provision on racial equality.

For human rights the years between 1919 and the end of World War II were increasingly sombre. The rise of racism and ideologies of exclusion in many countries of the world with the legalization of second class citizenship, the progressive reinforcement of systems of racial segregation, the pogroms, lynchings and killing, culminating in Europe in the Nazi extermination camps, is well known. The economic crisis deprived large sectors of society in many countries of work with the attendant infringements of the rights to food, education, health and even to life; and drove many to embrace desperate political solutions.

Sadly, the League system was unable to respond to the challenge of keeping the peace nor to the need for effective protection of minorities and it remained deaf to appeals regarding human equality. It must, however, be remembered that during that period many individuals and groups laboured selflessly against racism, and for respect of minorities. These women and men and their organizations were ready and willing, and indeed experienced, when after World War II, the occasion presented itself to ensure that the future organizations of the United Nations would have the promotion of human rights in the forefront of its preoccupations.

It was, in fact, a combination of the energetic advocacy of such tireless women, men, and non-governmental organizations which tipped the balance in favour of inclusion of human rights in the Charter of the United Nations.

One of the most sacred trusts placed in the hands of the new world Organization in 1945 by "The Peoples of the United Nations" was the promotion of respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion. Unlike the Covenant of the League of Nations, human rights was woven as an important, indeed a guiding, thread throughout the fabric of the United Nations Charter.

Forty-five years after the creation of the United Nations, the international community has at its disposal a true international code of human rights of which the fight against racism is a key element. The centrepiece of this code is the Universal Declaration of Human Rights which in its 30 articles lays down the basic international standards of human dignity. In the 42 years since its adoption the Declaration has shown itself truly universal, as the peoples of newly liberated colonial countries have found in its precepts the reflection of their deepest aspirations.

One requirement underlines each sentence, each right in the Universal Declaration, that is the equal dignity and rights of each member of the human community. Everyone is entitled to the rights proclaimed by the Universal Declaration "without distinction of any kind, such as race, colour, sex, language, relgion, political or other opinion, national or social origin, property, birth or other states".

Non-discrimination is an integral part of each of our human rights instruments from the International Covenants on Human Rights to the recently adopted Convention on the Rights of the Child and the Convention for the Protection of the Rights of All Migrant Workers and Their Families. In addition, the United Nations system has enacted a series of cardinal documents aimed at eliminating racism and apartheid, such as the Declaration and International Convention on the Elimination of All Forms of Racial Discrimination, the ILO Convention on Discrimination in Employment, the ILO Equal Remuneration Convention and the UNESCO Convention against Discrimination in Education. With specific focus on apartheid, the United Nations has adopted the Convention on the Suppression and Punishment of the Crime of Apartheid and the Convention against Apartheid in Sports.

The international community, moreover, realized that the adoption of human rights instruments was not sufficient to eradicate racism and racial discrimination from the world-wide perspective. Additional measures were needed. Thus, the

General Assembly proclaimed 1973-1983 the United Nations Decade for Action to Combat Racism and Racial Discrimination and proclaimed 1983-1993 the "Second Decade to Combat Racism and Racial Discrimination". The basic objectives of the Second Decade are:

- to promote human rights and fundamental freedoms for all without distinction as to race, colour, descent or national or ethnic origin.
- to eliminate prejudice and racial discrimination.
- to abolish régimes and policies based on racism.

With these objectives in view, the Assembly approved a broad programme of activities for the entire period which is supplemented by detailed plans of action for the periods 1985-1989 and 1990-1993.

The activities foreseen are numerous and varied: they include action against apartheid, education, teaching and training, dissemination of information, protection of minorities, migrant workers and indigenous populations, implementing international conventions and action through national legislation, institutions and recourse procedures.

The elimination of apartheid is one of the prime objectives of the Second Decade against Racism and Racial Discrimination and one to which I attach the highest importance.

The success of the programme of activities of the Second Decade depends upon the efforts of many United Nations bodies and organs and with a view to coordinating these activities the Secretary-General in 1987 asked me to serve as co-ordinator of United Nations Activities under the Second Decade to Combat Racism and Racial Discrimination. Since then we have been able to take a number of initiatives. For example, raising the issue with executive heads of the specialized agencies, and maintaining contacts with organs and secretariat services at Headquarters. In 1988 a most successful Global Consultation on Racism and Racial Discrimination took place in Geneva and in May of this year I convened an inter-agency consultation on the Second Decade. It is my intention to convene a further inter-agency meeting in the early months of 1991. In August of this year I met with the Committee on the Elimination of Racial Discrimination to discuss Decade related activities.

Last year under the Decade programme one seminar took place on the effects of racism on the social and economic relations between indigenous populations and states and early this year a seminar was held on cultural dialogue between countries of origin and the host countries of migrant workers. The reports of these seminars bear close reading.

Mr. Chairman,

It is indeed distressing to realize that inspite of the undertakings of Member States in the Charter to ensure the equal rights of all and the numerous international declarations

and treaties in that same sense, discrimination is still unfortunately, very much a part of the lives of many millions of people throughout the world. Reports are received with increasing frequency of discrimination against immigrants, migrant workers, minorities, of anti-semitism and xenophobia. In July of this year the European Parliament issued a telling report on these matters containing a number of recommendations. Unfortunately, it is not only Europe that is concerned, for we receive reports of discrimination from many other parts of the world. We also see disturbing attempts to make the victims of discrimination responsible for their own situation. This is another way to justify discrimination against groups, finding in the way they live, their culture, history, and tradition the cause of their own disadvantage which, in fact, is rather to be sought in the rigid blocks of the society around them.

The activities of the international community over the years have none the less produced tangible results which can encourage us for the future. Here, I would list firstly the refutation of the pseudo-scientific theory of racism through, in particular, the work of UNESCO. No rational human being can maintain today that colour or "race" in any biological sense has anything to do with individual potentials or achievements. As the 1981 UNESCO meeting in Athens found, the genetic diversity and richness of individuals far exceeds any common genetic structures of groups. The "scientific" basis of racism is dead - but we still have to deal very much with the false beliefs it has left behind.

Another achievement - the tangible fruits of which we are only beginning to see - is the destruction of any semblance of legitimacy to the policy of separate development, or apartheid. The struggle of the African people within their own country coupled with the efforts of the international community has resulted in a general realization of the illegitimacy from a human and moral perspective of that policy. As the Secretary-General has said "the prospect of a non-racial democracy in South Africa in the not-too-distant future is no longer unrealistic", the road ahead is not an easy one, but there can be no turning back.

Discrimination, Mr. Chairman, as your debates here have shown, is an extremely complex matter both because it is global in reach and in each region is affected by its own historic context. We thus need some guide posts to our thinking and I would refer in that regard to the definition of "racial discrimination" contained in the International Convention on the Elimination of All Forms of Racial Discrimination. "Racial discrimination" for the Convention means "any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or excercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life".

The papers presented to this Seminar and the studies of eminent authors point to the hidden complexities of the phenomenon covered by that definition; we must be aware of the responses to them which are generally valid as well as the specific requirements of each situations. Distinctions which are based on race, colour, descent, or national origins take many different forms in complex situations each with its own particular political, historical, economic, social and cultural context.

Serious discrimination is also to be noted with regard to immigrants, migrant workers, gypsies, indigenous populations and minorities. With regard to migrant workers and indigenous populations the United Nations has made significant progress in defining the rights of the particular groups including that of equal treatment. As for minorities - much remains to be done - in protecting them against discrimination and in protecting their cultural, linguistic and religious heritage. The current progress in the European level may prove helpful for the United Nations effort.

The complexities of particular situations should not make us loose sight of basic social tools which can be used to bring about change in general. First, law must make discrimination illegal and the legal norms must be seen to be enforced. This is important both because respect for human dignity so requires and because the law and its enforcement are powerful tools of education.

Second, efforts must be made to ensure equal opportunities for all in society. Here, it is not a question of affirmative action, but only that every member of the community, based on individual qualifications and merit, be judged without discrimination. For example, employment opportunities should be published in such a way that qualified candidates from all sectors of society can apply. Of course, in this area, general social programmes of early education and further training would raise the qualifications of the more disadvantaged groups in society and contribute to the elimination of disparities.

Taken together - non-discrimination and equal opportunity - progress in eliminating real discrimination and the social stereotypes underlying it may well be made.

In addition, each situation must be studied carefully to determine if and to what extent the actual position of specific disadvantaged groups, in particular as it results from past discrimination, can be the object of affirmative action or programmes. The International Convention on the Elimination of All Forms of Racial Discrimination authorizes such programmes and their positive effects have been shown.

One key element to which we will have to pay greater attention in the future is that relating to education and the creation of climates of mutual tolerance and understanding between different communities. In this context, we must

remember the value of the different cultures of our globe and that each is an important part of the common heritage of all. Sensitivity training in the early school years and the broader based community action programmes are important tools to achieve this objective. Here, experience has shown the valuable contribution that community relations commissions can have and their wide spread use could be recommended.

Consideration may be given to setting up community relations commissions not only in areas where tensions have actually manifested themselves but also as a general mechanism in all communities. Such commmissions could reinforce existing inter-group understandings and identify at an early stage the seeds of future tensions so as to act preventively.

In addition, constant research into the continuously evolving situation in each country would help in achieving a better understanding of the processes leading to tension or contributing to tolerance. Education in the broad sense based on this research could help diverse sectors of a society better understand their relations with each other. Many false notions of one community with regard to another could thus well be eliminated.

On the national level future action could be focused on effective action against discrimination in passing legislation, in establishing the needed institutions - commissions etc. for that purpose and instituting mechanisms promoting tolerance.

In addition, a national inventory of existing and potential problem areas could be maintained and specific action in the areas of immigrants, migrant workers, minorities, indigenous populations and other vulnerable groups could be undertaken.

Here Mr. Chairman, your seminar may wish to consider recommending the establishemnt of national ombudsman in the field of racial discrimination. Existing experience shows the positive results in many cases of such institutions which can have a impact far in excess of their costs.

The harmful effects of discrimination nationally and on international relations has been amply demonstrated and would appear to warrant an undertaking of a solemn nature by all national leaders and institutions against discrimination. This is not only a State responsibility. In fact it is more important, to paraphrase the Universal Declaration of Human Rights, that "every individual and every organ of society" should promote tolerance and reject discrimination and prejudice. Of course, such organs as trade unions, teachers associations, political parties are concerned. More importantly the religious, spiritual and cultural leaders must take the forefront. The community could make a conscious effort not to tolerate discrimination or prejudice or calls to discriminate or incitement to prejudice and to combat and remove such manifestations from national life. Communities, in identifying models for emulation especially by the young could scrupulously avoid the selection of persons associated with

prejudice and discrimination and rather choose persons having distinguished themselves through the practice of tolerance. We must also ask ourselves if a society which wishes to remain a healthy one can tolerate discrimination by private groups; is this not to allow cancer cells to infest one part of the body hoping they will not break out and become generalized.

While the principal battle field against racism and discrimination is on the national level, the international community has an important role to play. Here, reference may be made to the research by Professor Lauren showing the impact of international concern about discrimination on national developments.

Internationally, the Committee on the Elimination of All Forms of Racial Discrimination must receive the support indispensible to its work and ways must be sought to increase the impact of its activities. I have made some general suggestions in this matter in my August meeting with the Committee and relating to all the expert Committees to the most recent meeting of the Chairpersons of Treaty Bodies. Further, the existing programme of the Second Decade to Combat Racism and Racial Discrimination must be persued and the necessary financial resources provided. In this later field we may give emphasis to providing model texts for national legislation and encouraging the establishment of commissions or other national

institutions charged with promoting tolerance. Under the Decade programme a meeting is called for bringing together representatives of community relations commissions to discuss these issues.

Discrimination, however, is addressed by many diverse bodies in the United Nations. In addition to the Committee on the Elimination of Racial Discrimination and the Sub-Commission on Prevention of Discrimination and Protection of Minorities, one might list the following as dealing with these issues: the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination Against Women, the Group of three under the Apartheid Convention, the soon to be established Committee on the Rights of the Child and the Committee on Migrant Workers to be established under the just adopted Convention.

The Committee on the Elimination of All Forms of Racial Discrimination and the Sub-Commission have decided to hold a joint meeting to discuss issues relating to discrimination. In addition, could we not search for a way of periodically having a discussion between, perhaps, the Chairpersons of the bodies listed above on their activities against discrimination. This might reinforce the actions of each and give more force to the general United Nations programme.

Mr. Chairman,

One of the important contributions the international community can make to the fight against discrimination is to support information and education and the strengthening of national and regional institutions. In fact, information and education is one of the three main pillars of our work promoting human rights along with the drafting of legislations and the implementation of international norms.

Our information programme has published a number of texts relating to racial discrimination, including the reports of the 1988 Global Consultation and the recent seminar in Athens on the effects of racism on the social and economic relations between indigenous populations and states. A number of further publications will be forthcoming. In addition, issues regarding racial discrimination are a regular part of the training courses, seminars and workshops organized by the Centre.

The Centre, through the Programme of Advisory Services and Technical Assistance in the field of human rights co-operates closely with regional organizations. The Centre works closely with the African Commission on Human and Peoples' Rights and the African Institute of Human Rights and has published the African Charter as part of the World Public Information Campaign on Human Rights. It has co-operated closely with African Governments - in one instance in the

establishment of a national human rights Commission. Plans are now being made to organize a high level human rights meeting in Cairo.

The Centre also has close lies with the Inter-American Institute of Human Rights in San José, Costa Rica and earlier this year a workshop took place in Manila dealing in part with the establishment of a regional Commission on human rights in Asia.

The Programme of Activities of the Second Decade against Racis, contains many elements which, if implemented, would enable us to assist national and regional activities against racism. Should adequate resources be made available to the programme - which is not at present the case - an important contribution could be made.

Mr. Chairman,

I have spent some time reviewing with you issues which come to mind in relation to your seminar because of the high importance I attach to this subject. Your discussions and recommendations will certainly be of great importance to our continued fight against racism.

* * *